

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 1/23/2021 11:31:31 PM
To: ethics [ethics@epa.gov]
Subject: Goffman-signed Biden Ethics Pledge
Attachments: Biden Ethics Pledge SIGNED.pdf

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Goffman, Joseph

Digitally signed by Goffman, Joseph
Date: 2021.01.23 18:28:18 -05'00'

January 23, 2021

Signature

Date

Name (Type or Print):

Joseph Goffman

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 5/24/2021 4:32:30 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: New Issue -- SRECs

Thanks very much for the quick and thorough response, Victoria.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Monday, May 24, 2021 12:29 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Issue -- SRECs

Hi Joe,

For the SRECs and your contract with SolSystems, there's no need to cancel the contract or recuse. There's no matter of general applicability (e.g., rulemaking) problem here in reviewing the rule. At most you have a specific party matter problem that would require you recuse if SolSystems is a party or represents a party, which is not the case here.

But even if you review the rule, there's one additional thing that we need to keep in mind here — and that is that you're a consumer in a relationship that could be implicated by the regulation. *If* the regulations that you're being asked to review go down all the way to the consumer level, then you'll want to come back and check in with OGC Ethics. We had an analogous situation arise under the Clean Air Act during the Volkswagen emissions scandal, where the enforcement provisions and class action lawsuit went all the way down to the consumer level and could have included EPA employees.

As for your bonus question! Adult children are not covered by 18 U.S.C. 208, but they can fall into the impartiality regulation at 5 C.F.R. 2635.502(b)(1)(ii), which requires you to recuse from a particular matter where a person who is a member of your household or a relative with whom you have a close personal relationship is a party or represents a party. If your child ever appeared at a meeting on behalf of Paragon Energy Capital, you would not be able to attend *unless* you sought an impartiality determination. However, if someone else appeared on behalf of Paragon Energy Capital, then you could attend the meeting.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Sunday, May 23, 2021 11:52 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: New Issue -- SRECs

Hi, Victoria. I just realized I have another potential conflicts issue. We have solar panels on our house and when we installed them we contracted with Solsystems to supply excess generation to sell as SRECs. On Friday, I fielded a call from Senate staff and an email from OCIR seeking technical assistance on draft clean energy standards legislation. Should I recuse myself until I can terminate the contract with Solsystems? Thanks.

And, bonus question. The offspring I mentioned my previous email builds financial models for an outfit called Paragon Energy Capital whose clients are solar energy investors. Is that a problem as well?

Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 2/5/2022 3:01:43 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Precleared: Joseph Goffman

How thoughtful of you, Shannon, to respond on a Saturday morning. Thank you! Have a great weekend.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Saturday, February 5, 2022 9:38 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Precleared: Joseph Goffman

Hi Joe,

I was out yesterday when we got word that everything was precleared (yay!). But the EA we last reviewed, and the one that was sent forward, has *nothing about divestitures*. See attached for the latest version.

I will follow-up on Monday about next steps.

Have a wonderful weekend!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, February 4, 2022 6:15 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Precleared: Joseph Goffman

Wow. You guys are miracle workers. Thank you X 1000!

One question: will the ethics agreement call for divestitures?

Anyway, thank you and have a great weekend.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, February 4, 2022 6:11 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Precleared: Joseph Goffman

Hey Joe –

Good news! OGE just precleared you, and I heard from Adam Raviv that they have your report and ethics agreement. Woo hoo! What's next is for the President to nominate you formally. When that happens, Shannon will be back in touch with you to get you to sign the nominee report and the ethics agreement.

Have a great weekend!

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 12/14/2021 1:17:57 PM
To: Monroe, Scott [Monroe.Scott@epa.gov]
Subject: RE: Mandatory Ethics Training?

Thank you, Scott.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Monroe, Scott <Monroe.Scott@epa.gov>
Sent: Tuesday, December 14, 2021 8:15 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Re: Mandatory Ethics Training?

Correct, you do not have to take the online training.

Sent from my iPhone

On Dec 13, 2021, at 5:27 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

Thanks for the reply, Scott. So bottom line is that I don't have to take the online Fed Talent training, right?

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Monroe, Scott <Monroe.Scott@epa.gov>
Sent: Monday, December 13, 2021 3:59 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: Mandatory Ethics Training?

Nyet, it's a 2021 course. Joe, you and the other political appointees received initial ethics training when you onboarded in 2021 and OGC logged you as having completed the training requirement. That said, you are welcome to take it!

Scott

This year's ethics training, *[2021 Annual Ethics Training: Gifts](#)*, is now available on FedTalent.

Any employee who files the confidential or public financial disclosure report is required to complete this training course **not later than December 31, 2021**. If you are in this category and joined EPA in 2021, and you completed initial ethics training, then you have already met the training requirement.

To access this training, follow the link below and use your LAN ID and PASSWORD or PIV card to log in to FedTalent. If you have questions about the training, please visit the [Ethics SharePoint Training page](#). If you experience problems, email the FedTalent_Resource_Desk at FedTalent_Resource_Desk@epa.gov

CLICK HERE TO ACCESS THE TRAINING:

<https://epafedtalent.ibc.doi.gov/mod/scorm/view.php?id=16451>

If you misplace this message with the link, simply go to the FedTalent home page and scroll down. There's a link to the training that is available 24/7.

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, December 13, 2021 3:10 PM
To: Shaw, Betsy <Shaw.Betsy@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Monroe, Scott <Monroe.Scott@epa.gov>
Subject: RE: Mandatory Ethics Training?

Plus Scott. Thanks.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Goffman, Joseph
Sent: Monday, December 13, 2021 2:54 PM
To: Shaw, Betsy <Shaw.Betsy@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Mandatory Ethics Training?

Fed Talent offers a ***2019*** Course. Is that the current course? Thanks.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

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From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 9/17/2021 6:56:26 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: Response to Justina's heads up -- possible semiconductor industry conflicts

Thanks to you, both, Shannon and Justina – and to Jim for the scramble as well. Really appreciate the clarity. Thanks, again.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, September 17, 2021 11:24 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Goffman, Joseph <Goffman.Joseph@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: Response to Justina's heads up -- possible semiconductor industry conflicts

Thanks, Shannon! I am still benumbed from my root canal and now am at the doc's office for Ex. 6 Personal Privacy (PP) The note sent to Joe was merely an alert and to stave off any participation by him in the semiconductor specific rule making.
Justina

Sent from my iPhone

On Sep 17, 2021, at 11:21 AM, Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe and Jim,

Let me see if I can provide some additional background and clarity to the email below -

Justina is pointing out there is a *possible* semiconductor industry conflict related to any future industry specific rulemakings. Starting with the AIM Act itself – yes, that would be considered a broader “matter” given the multitude of sectors that could be affected. And then we also have to look at any individual proposed rules issued under the AIM Act for conflicts purposes. We ask whether the rule distinctly affects a particular industry or identifiable class of persons. For the multi-sector phasedown rule that has already been proposed, we’ve determined it is also a “matter” since so many sectors are involved and it’s too broad of a group to qualify as a “distinct and identifiable class.”

I believe Justina’s cautionary email below is for any future use-specific rulemakings that affect semiconductors. I’d also note that we still have some outstanding questions to that end. For example, if there is a future rule proposed under the AIM Act that impacts only semiconductor manufacturers, we’d have to answer whether any of those entities listed below (Apple, Amazon, IBM or Microsoft) actually manufacture semiconductors in the US. I’m not sure we have an answer to that yet. We will continue to look into this and keep you apprised.

Hopefully that helps! I’m around today if any additional follow-up is needed.

Thanks,
Shannon

Shannon Griffio
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Fugh, Justina
Sent: Thursday, September 16, 2021 11:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: heads up -- possible semiconductor industry conflicts

Hi Joe,

I wanted to send you this note to say that we are learning more about the AIM Act that directs EPA to address HFCs by phasing down the production and consumption of listed HFCs, managing the HFCs and their substitutes, and also facilitating the transition to next-generation technologies.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please note that Amazon, Apple, IBM and Microsoft all apparently design and manufacture semiconductors, so employees who own over the regulatory exemption levels will not be able to participate in the rulemaking that addresses this industry. If indeed they are affected, then we will be worried about:

- Ownership over \$15,000 in any semiconductor manufacturer, which means an employee cannot work on a petition filed by that company;
- Ownership over \$25,000 in any semiconductor manufacturer, which means that an employee also cannot work on any rulemaking that will affect this industrial sector; and
- Ownership over \$50,000 in any sector fund that invests in the semiconductor industry, such as Direxion Daily Semiconductor Bull (SOXL), ProShares Ultra Semiconductors ETF (USD), Invesco Dynamic Semiconductors ETF (PSI), VanEck Vectors Semiconductor ETF (SMH), or iShares PHLX Semiconductor ETF (SOXX).

Although your 4/8/21 recusal statement included semiconductors, your updated recusal statement of 6/30/21 does not. Since we now believe that Amazon, Apple, IBM and Microsoft may be affected by the upcoming semiconductor rulemaking, we advise caution on your part.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 1/28/2022 10:08:07 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: News about your upcoming financial disclosure filing requirement

Thanks. You, too!

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Friday, January 28, 2022 5:07 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: News about your upcoming financial disclosure filing requirement

If it's whether you're going to have to file this incumbent report, then the answer is yes. Sorry! Feel free to reach out with specific questions or give me a ring next week.

Have a nice weekend!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, January 28, 2022 2:06 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: News about your upcoming financial disclosure filing requirement

I have questions.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, January 28, 2022 2:04 PM
To: Adhar, Radha <Adhar.Radha@epa.gov>; Amin, Faisal <Amin.Faisal@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Chase, Joann <Chase.Joann@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>; Engelman-

Lado, Marianne <EngelmanLado.Marianne@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Fine, Philip <Fine.Philip@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Frey, Christopher <Frey.Christopher@epa.gov>; Garza, Johnathan <Garza.Johnathan@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Green, Jamie <Green.Jamie.A@epa.gov>; Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>; Harney, Alethea <Harney.Alethea@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>; Hicks, Destine <Hicks.Destine@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Hoover, Zealan <Hoover.Zealan@epa.gov>; Katims, Casey <Katims.Casey@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>; Lance, Kathleen <Lance.Kathleen@epa.gov>; Laverdiere, Maria <Laverdiere.Maria@epa.gov>; Levy, Maxwell <Levy.Maxwell@epa.gov>; Li, Jake <Li.Jake@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>; andrew.mavock@ceq.eop.gov; McCabe, Janet <McCabe.Janet@epa.gov>; Michalos, Maria <Michalos.Maria@epa.gov>; Morgan, Ashley <Morgan.Ashley.M@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Adm16.Michael.Regan <adm16.michael.regan@epa.gov>; Romer, Jennie <Romer.Jennie@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; Schafer, Zach <Schafer.Zach@epa.gov>; Schreyer, Andrew <Schreyer.Andrew@epa.gov>; Shore, Debra <Shore.Debra@epa.gov>; Snyder, Rodney <Snyder.Rodney@epa.gov>; Utech, Dan <Utech.Dan@epa.gov>; Wachter, Eric <Wachter.Eric@epa.gov>; Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>

Subject: News about your upcoming financial disclosure filing requirement

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position that requires you to file the public financial disclosure report (also known as the 278). You previously filed a new entrant report, but I warned you that you have a continuing obligation to file these reports. If you joined EPA between 1/20/21 and 11/1/21, then you'll need to file an incumbent report this year (but if you started at EPA after 11/1/21, then you don't file until 2023). For those of you who joined before 11/1/21, your report will be similar to what you filed previously, but there are some differences:

- This report will cover only CY 2021, so from the date you started at EPA through 12/31/21;
- You will be able to pre-populate your previous form into the one that you file this year;
- You will now have to report on any gifts received from non-relatives that exceeded \$415; and
- You will have to report transactions of more than \$1000, including mutual funds or 529 plans.

We will assign your incumbent reports to you *in late February* and your due date will be May 16. And, hey, since I have your attention, let's review some important reminders:

- *Don't forget about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. To report this kind of transaction, submit a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline.
- *Keep track of your mutual fund transactions.* For this upcoming filing, you will have to report any transactions of \$1000 or more in mutual funds (including 529 plans) in the transactions section.
- *Late fees.* I've attached our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSPP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and I know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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Sent: 6/11/2021 12:47:52 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: Sales

Thanks for doing that. I can't tell you what a relief it will be to have these sales completed.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, June 10, 2021 1:19 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Sales

Ex. 6 Personal Privacy (PP)

I've pinged OGE – let's see if me gently shaking the tree yields any fruit.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, June 10, 2021 1:18 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Sales

Ex. 6 Personal Privacy (PP)

Thanks for responding so quickly, Victoria. Sounds like there's little hope of hearing from OGE any time soon.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, June 10, 2021 1:01 PM
To: Ex. 6 Personal Privacy (PP) Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Sales

Hi [Ex. 6 Personal Privacy (PP)]

Are the securities that you're intending to sell part of what we submitted for the CD packet? If so, I can't tell you *not* to sell them, but [Ex. 6 Personal Privacy (PP)] won't be able to claim the certificate of divestiture if there are any capital gains from

the sale, since the CD hasn't been issued by OGE yet. But if there won't be any capital gains from the sale of the asset anyway, then needing a CD for that asset would be a moot point.

If the securities are different from those that we're asking a CD for, then if the sale is over \$1,000, Joe will need to submit a periodic transaction report (278-T) within 45 days from the actual date of the transaction.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: **Ex. 6 Personal Privacy (PP)**

Sent: Thursday, June 10, 2021 12:37 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: RE: Sales

Dear Victoria,

We need to sell securities in

Ex. 6 Personal Privacy (PP)

What is the best procedure?

Thanks,

Ex. 6 Personal Privacy (PP)

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, April 28, 2021 4:22 PM

To: **Ex. 6 Personal Privacy (PP)**

Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: RE: Sales

That is correct. Don't sell until we have the CD from OGE.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: [Redacted] **Ex. 6 Personal Privacy (PP)**

Sent: Wednesday, April 28, 2021 4:06 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Sales

Hi Joe,

I was just going to send email about divesting; just to confirm, we are still waiting for notice that the the CD has been issued before selling, correct?

Thanks,

[Redacted]
Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Wednesday, April 28, 2021 3:17 PM

To: [Redacted] **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Subject: FW: Thoughts/Update on your CD

Please see below re funds that do ***not*** need divestiture, including: "Given that OGE thinks [Redacted] is a diversified mutual fund, and there is no conflict of interest in you owning a diversified mutual fund, we do **not** need to request a CD for [Redacted]"

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, April 28, 2021 2:58 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: Thoughts/Update on your CD

Hi Joe,

Just to keep you informed of where we are on the CD, I gave Justina your CD letter to review late last week, and OGE is confirming for me if it needs confirmation from [Redacted] **Ex. 6 Personal Privacy (PP)** and if so, if email confirmation will be sufficient. I'm due shortly for a call with Elaine Newton to see where she is on that.

One thing that I did want to let you know is that in the process of working on nominee reports, OGE told Justina and I *today* that they do not consider the following funds to be “sector funds,” (you know, those mutual funds that focus on a specific industry or sector and which can be problematic for filers) but rather consider these funds to be diversified mutual funds:

-
-
- **Ex. 6 Personal Privacy (PP)**
-
-

If any of those look familiar, they should – because we’re requesting a CD for your **Ex. 6 Personal Privacy (PP)**. Given that OGE thinks **Ex. 6 Personal Privacy (PP)** is a diversified mutual fund, and there is no conflict of interest in you owning a diversified mutual fund, we do **not** need to request a CD for **Ex. 6 Personal Privacy (PP)**.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

The contents of this e-mail and any attachments are confidential and for use solely by the intended recipients. If you are not the intended recipient, please notify us immediately by e-mail, and delete the original message. Delivery of this e-mail to any person other than an intended recipient does not waive privilege or confidentiality in any way. This information is for informational purposes only and is not an offer to buy, sell or recommend securities. Ex. 6 Personal Privacy (PP) claims compliance with the Global Investment Performance Standards (GIPS®). A compliant presentation is available at Ex. 6 Personal Privacy (PP). Past performance is not indicative of future results.

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 2/7/2022 8:42:14 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Next steps - please sign your EA
Attachments: EA for preclearance.Goffman Joseph for signature Signed.pdf

Hi, Shannon. Here is a digitally signed version. As always, I appreciate the great lengths to which you went to make this process work.

Thanks.

Best,
Joe

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, February 7, 2022 2:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Next steps - please sign your EA

Hi Joe,

It's now time to sign your precleared Ethics Agreement. You can sign it using one of these two methods: ink-sign the ethics agreement page itself; or electronically sign using your PIV card. I'm not sure if you have a preference, but I went ahead and attached one you could print out to sign. And also one that's ready for digital signature. I already added today's date. But please don't add any name/address header or any letterhead. Once it's signed (either digitally or ink-signed), please send it back to me.

At this point, do not make any changes to your draft report in Integrity. If you happen to see something that needs correcting, just let me know. But once you are nominated by the President, you will log back into Integrity and resubmit/officially file the report. OGE will contact me when it's time for that. So stay tuned and be ready to access your report once we get the green light.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 2/1/2022 1:01:51 AM
To: Ex. 6 Personal Privacy (PP)
Subject: FW: News about your upcoming financial disclosure filing requirement
Attachments: How to Pre-populate a Report.docx

Following up on one of the items in my voicemail. In addition to the work you have done helping me fill out the Nominee version of Form 278, I also am seeking help preparing the Annual version of Form 278, as I am required to do as a currently serving political appointee. Assuming you are available to prepare the Annual 278, please take a look at the attached for instructions on how to pre-populate the Annual with the material in the Nominee version. Thanks.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, January 31, 2022 2:07 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: News about your upcoming financial disclosure filing requirement

Good news! We reached out to the Integrity Help Desk to inquire whether the Nominee report could be used to pre-populate your Annual/incumbent report. And we were told that yes, you can use any report (including drafts or "in progress") to pre-populate. So you should be able to transfer that information from your Nominee Report. Attached are the instructions.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, January 31, 2022 8:06 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: News about your upcoming financial disclosure filing requirement

Following up with what I think is a not insane question: given the amount of work that has gone into the Nominee version of the 278, are there any efficiencies we can harvest so that Ex. 6 Personal Privacy (PP) and I don't have to start from scratch on this report? Is there a way to "migrate" the data from the latest nominee report as I recall was done between the Spring 2020 version of the nominee report and the more recent September draft? Thanks.

Joseph Goffman
Principal Deputy Assistant Administrator

Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Friday, January 28, 2022 5:07 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: News about your upcoming financial disclosure filing requirement

If it's whether you're going to have to file this incumbent report, then the answer is yes. Sorry! Feel free to reach out with specific questions or give me a ring next week.

Have a nice weekend!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, January 28, 2022 2:06 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: News about your upcoming financial disclosure filing requirement

I have questions.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, January 28, 2022 2:04 PM
To: Adhar, Radha <Adhar.Radha@epa.gov>; Amin, Faisal <Amin.Faisal@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Chase, Joann <Chase.Joann@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Efron, Brent <Efron.Brent@epa.gov>; Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Fine, Philip <Fine.Philip@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Frey, Christopher <Frey.Christopher@epa.gov>; Garza, Johnathan <Garza.Johnathan@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Goldberg, Ruby <Goldberg.Ruby@epa.gov>; Green, Jamie <Green.Jamie.A@epa.gov>; Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>; Harney, Alethea <Harney.Alethea@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>; Hicks, Destine <Hicks.Destine@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Hoover, Zealan <Hoover.Zealan@epa.gov>; Katims, Casey <Katims.Casey@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>; Lance, Kathleen <Lance.Kathleen@epa.gov>; Laverdiere, Maria <Laverdiere.Maria@epa.gov>; Levy, Maxwell <Levy.Maxwell@epa.gov>; Li, Jake <Li.Jake@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>; andrew.mayock@ceq.eop.gov; McCabe, Janet <McCabe.Janet@epa.gov>; Michalos, Maria <Michalos.Maria@epa.gov>; Morgan, Ashley <Morgan.Ashley.M@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; O'Brien, Grant <OBrien.Grant@epa.gov>; Adm16.Michael.Regan <adm16.michael.regan@epa.gov>; Romer, Jennie

<Romer.Jennie@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; Schafer, Zach <Schafer.Zach@epa.gov>; Schreyer, Andrew <Schreyer.Andrew@epa.gov>; Shore, Debra <Shore.Debra@epa.gov>; Snyder, Rodney <Snyder.Rodney@epa.gov>; Utech, Dan <Utech.Dan@epa.gov>; Wachter, Eric <Wachter.Eric@epa.gov>; Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>

Subject: News about your upcoming financial disclosure filing requirement

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position that requires you to file the public financial disclosure report (also known as the 278). You previously filed a new entrant report, but I warned you that you have a continuing obligation to file these reports. If you joined EPA between 1/20/21 and 11/1/21, then you'll need to file an incumbent report this year (but if you started at EPA after 11/1/21, then you don't file until 2023). For those of you who joined before 11/1/21, your report will be similar to what you filed previously, but there are some differences:

- This report will cover only CY 2021, so from the date you started at EPA through 12/31/21;
- You will be able to pre-populate your previous form into the one that you file this year;
- You will now have to report on any gifts received from non-relatives that exceeded \$415; and
- You will have to report transactions of more than \$1000, including mutual funds or 529 plans.

We will assign your incumbent reports to you *in late February* and your due date will be May 16. And, hey, since I have your attention, let's review some important reminders:

- *Don't forget about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. To report this kind of transaction, submit a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline.
- *Keep track of your mutual fund transactions.* For this upcoming filing, you will have to report any transactions of \$1000 or more in mutual funds (including 529 plans) in the transactions section.
- *Late fees.* I've attached our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSPP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and I know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 6/21/2021 5:09:08 PM
To: Ex. 6 Personal Privacy (PP)
Subject: FW: CD Request Documents
Attachments: 2. Excel Chart of Assets.xlsx; 3. Employee Request Letter - Goffman SIGNED.pdf

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Monday, June 21, 2021 1:05 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: CD Request Documents

Hi Joe!

These two documents should have the information you need to talk to your accountants.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 3/9/2022 4:09:11 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Next Steps for your Nomination
Attachments: EA for preclearance.Goffman Joseph for signature JG Signed.pdf

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, March 9, 2022 9:32 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Next Steps for your Nomination
Importance: High

Hi Joe,

Congratulations on your nomination!! Now we're ready for the next steps in the process:

1. I need you to re-sign your Ethics Agreement so that the date is consistent with your nomination/date of your report. Remember that you can sign it using one of these two methods: ink-sign the ethics agreement page itself; or electronically sign using your PIV card. I went ahead and attached one that's ready for digital signature and I added today's date. But please don't add any name/address header or any letterhead. Once it's signed, please send it back to me.
2. You will need to log into Integrity and re-submit/officially file your Nomination Report. Once you've done that, Justina will get a notification and she will be able to certify the report. Then we can send over the final package (your signed Ethics Agreement and our transmittal letter) to OGE for processing.

Please let me know if you have any questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

March 9, 2022

Mr. James Payne
Designated Agency Ethics Official and
Deputy General Counsel for Environmental Media and
Regional Law Offices
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Payne:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Administrator, Office of Air and Radiation, for the U.S. Environmental Protection Agency. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13989) that I previously signed and that I will continue to be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state and local government.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

JOSEPH GOFFMAN

Digitally signed by JOSEPH
GOFFMAN
Date: 2022.03.09 11:08:18 -05'00'

Joseph Goffman

cc: Justina Fugh, Alternate Designated Agency Ethics Official, US EPA

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 4/7/2021 2:29:42 AM
To: Shaw, Betsy [Shaw.Betsy@epa.gov]
Subject: RE: New Entrant Report Review

Thanks, Betsy.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Shaw, Betsy <Shaw.Betsy@epa.gov>
Sent: Tuesday, April 6, 2021 1:37 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

Hi Joe,

I'm pretty sure that Ann worked as the preliminary screener in the last Administration. I believe she would consult with Justina's team directly when there were questions. That whole lot preferred working with Justina directly than me and Scott, which was fine by us. Perhaps you could provide Ann's name as a tentative candidate to be confirmed upon her return.

Thanks,

Betsy

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, April 6, 2021 1:34 PM
To: Shaw, Betsy <Shaw.Betsy@epa.gov>
Subject: FW: New Entrant Report Review

Question from Ethics Counsel below. Any guidance or thoughts? You? Tomas? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, April 6, 2021 1:24 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

Hi Joe,

In thinking through a recusal statement, who is it in the office that would act as your screener?

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 2/10/2021 9:49:44 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]; **Ex. 6 Personal Privacy (PP)**
Subject: RE: Your New Entrant Report in INTEGRITY

Thank you, both!

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, February 10, 2021 4:49 PM
To: **Ex. 6 Personal Privacy (PP)** Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Your New Entrant Report in INTEGRITY

Perfect! So I'll go ahead and grant the 45-day extension, but the report can absolutely be filed sooner.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: **Ex. 6 Personal Privacy (PP)**
Sent: Wednesday, February 10, 2021 4:47 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Your New Entrant Report in INTEGRITY

Thank you Victoria.

While we know the value of the assets we are just having difficulty obtaining the amount of income they earned. 45 days should be enough time for the bank to gather the information and provide it to us to complete the form.

Regards,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, February 10, 2021 4:43 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: RE: Your New Entrant Report in INTEGRITY

WARNING: This e-mail originated from outside of Ex. 6 Personal Privacy (PP). Always use caution when opening attachments or clicking links.

I'd rather no one 'estimate' any values of your assets. I can grant you a 45-day extension of time. To get another 45 days beyond that (for a total of 90), you would need to demonstrate some hardship that's preventing you from filing.

Do you think 45 days will be enough time for you to get all of the information? We won't be able to issue you a recusal statement until we see your 'completed' new entrant report, but you can continue to recuse from those sectors and companies where we know you have assets (e.g., pharmaceutical, off-road engines) exceeding the regulatory thresholds.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, February 10, 2021 4:37 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: RE: Your New Entrant Report in INTEGRITY
Importance: High

Your timing is exquisite, Victoria. Ex. 6 Personal Privacy (PP) copied here is taking care of the first draft and he is having an issue extracting information on a timely basis from the bank Ex. 6 Personal Privacy (PP) in the text below) that manages Ex. 6 Personal Privacy (PP). He asks how we should proceed given the slow-down in obtaining precise income information. I've pasted in his question below, and I think he and I would benefit greatly from your guidance. Should I file on 2/19 with ranges and an expectation of filing an amendment with precise numbers when we get them, or just request and extension? Thanks.

Hi Mr. Goffman,

Please see below from Ex. 6 Personal Privacy (PP) How would you like to handle this? Do you want to file for an extension or should we estimate the income based on prior years? As you may know, when reporting the income there is a range it is not exactly specific such as a range of \$200-\$1000.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, February 10, 2021 4:14 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Your New Entrant Report in INTEGRITY

Hi Joe!

This is Victoria from OGC Ethics. I wanted to gently remind you that your New Entrant report is due next week on Friday the 19th. I am ever so sorry to nag you about this when you're so busy, but we need to see a completed report in order to get you a recusal statement (if necessary!), so getting it done is a pretty big priority for our office.

If you need any help with the New Entrant Report, please let me know – I'm your point of contact in OGC Ethics for any questions that you might have with respect to it.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

Disclaimer: Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Ex. 6 Personal Privacy (PP) would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 4/30/2021 6:55:48 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: Sales
Attachments: 3. Employee Request Letter - Goffman SIGNED.pdf

Thank you!

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, April 30, 2021 2:47 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Sales

Hi Joe,

I've got your request letter all prepared and ready for your digital signature.

I have the other materials all ready to go, just putting them together now for Justina to do the final once-over before I submit to OGE.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, April 28, 2021 4:37 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Sales

As always, Victoria, I am so very grateful for our help and diligence in all this.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, April 28, 2021 4:24 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: FW: Sales

And on that note, Joe, OGE has confirmed for me that we *do not* need any other signed statements from your wife or children;

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

So, no other work or documents need to be provided by you. When the letter is ready to be signed, I'll send it to you for digital signature.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Clarke, Victoria

Sent: Wednesday, April 28, 2021 4:22 PM

To: **Ex. 6 Personal Privacy (PP)**; Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: RE: Sales

That is correct. Don't sell until we have the CD from OGE.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: **Ex. 6 Personal Privacy (PP)**

Sent: Wednesday, April 28, 2021 4:06 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Sales

Hi Joe,

I was just going to send email about divesting; just to confirm, we are still waiting for notice that the CD has been issued before selling, correct?

Thanks,



Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Wednesday, April 28, 2021 3:17 PM

To: **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Subject: FW: Thoughts/Update on your CD

Please see below re funds that do ***not*** need divestiture, including: "Given that OGE thinks **Ex. 6 Personal Privacy (PP)** is a diversified mutual fund, and there is no conflict of interest in you owning a diversified mutual fund, we do **not** need to request a CD for **Ex. 6 Personal Privacy (PP)**"

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, April 28, 2021 2:58 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: Thoughts/Update on your CD

Hi Joe,

Just to keep you informed of where we are on the CD, I gave Justina your CD letter to review late last week, and OGE is confirming for me if it needs confirmation from **Ex. 6 Personal Privacy (PP)** and if so, if email confirmation will be sufficient. I'm due shortly for a call with Elaine Newton to see where she is on that.

One thing that I did want to let you know is that in the process of working on nominee reports, OGE told Justina and I *today* that they do not consider the following funds to be "sector funds," (you know, those mutual funds that focus on a specific industry or sector and which can be problematic for filers) but rather consider these funds to be diversified mutual funds:

- **Ex. 6 Personal Privacy (PP)**
-
-
-
-

If any of those look familiar, they should – because we're requesting a CD for **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP) Given that OGE thinks **Ex. 6 Personal Privacy (PP)** is a diversified mutual fund, and there is no conflict of interest in you owning a diversified mutual fund, we do **not** need to request a CD for **Ex. 6 Personal Privacy (PP)**

Victoria

Victoria Clarke

Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

The contents of this e-mail and any attachments are confidential and for use solely by the intended recipients. If you are not the intended recipient, please notify us immediately by e-mail, and delete the original message. Delivery of this e-mail to any person other than an intended recipient does not waive privilege or confidentiality in any way. This information is for informational purposes only and is not an offer to buy, sell or recommend securities. Ex. 6 Personal Privacy (PP) claims compliance with the Global Investment Performance Standards (GIPS®). A compliant presentation is available at: Ex. 6 Personal Privacy (PP) past performance is not indicative of future results.

REQUEST FOR A CERTIFICATE OF DIVESTITURE
(must be completed by the agency, not by the requesting employee)

Requesting employee's name and position title: Joseph M. Goffman	Employing agency and component: Environmental Protection Agency, Office of Air and Radiation
Agency point of contact: Victoria Clarke	Telephone number and email address for agency point of contact: 202-564-1149 ; clarke.victoria@epa.gov
Signature of DAEO or ADAEO:	Date signed:

For complete instructions on requesting a Certificate of Divestiture (CD), please review 5 C.F.R. part 2634, subpart J.

1. Provide the requested information about the property being divested and the owner(s) of that property (see sample table to the right):

(a) description of the property: include the name of the property being divested;

(b) quantity or percentage owned: quantity may be represented by the number of shares of stock, units owned, or percentage of the partnership owned;

(c) owner(s) of the property: provide the full name of the owner(s) of the property; and

(d) relationship to the employee: indicate whether each property owner is one of the following: (i) a government employee; (ii) a spouse, a minor child or a dependent child of the government employee; or (iii) a trustee of a trust for the benefit of the government employee, the spouse, minor or dependent child of the government employee.

(a) Description of the property	(b) Quantity or percentage owned	(c) Owner(s) of the property	(d) Relationship to the employee
McDonald's Corp.	57 shares	John A. Jones	self
General Electric Co.	251 shares	John A. Jones (joint) Mary B. Jones	self spouse
Play Toys, LP	12.24% interest	Mary B. Jones	spouse
Merck & Co., Inc.	33 shares	William C. Smith	trustee
Coca-Cola, Co.	55 shares	John A. Jones (as custodian) Robert D. Jones	self dependent child

Please provide the requested information in an Excel spreadsheet or Word document if a CD is being requested for more than six holdings. Please do not submit financial statements.

(a) Description of the property	(b) Quantity or percentage owned	(c) Owner(s) of the property	(d) Relationship to the employee

Clear Form

(a) Description of the property	(b) Quantity or percentage owned	(c) Owner(s) of the property	(d) Relationship to the employee

2. Provide a brief description of the employee's position or provide a citation to a statute or regulation that sets forth the duties of the position. **(If additional space is needed, please use the continuation page at the end of the format.)**

3. Provide a detailed explanation of the basis for your conclusion that divestiture is reasonably necessary to comply with Federal ethics rules. **(If additional space is needed, please use the continuation page at the end of the format.)**

4. Provide the date that the requirement to divest first applied or the date the employee first agreed that the eligible person would divest the property in order to comply with conflict of interest requirements. **(If additional space is needed, please use the continuation page at the end of the format.)**

5. Please address all items below **(If additional space is needed, please use the continuation page at the end of the format.):**

a. Has the employee been informed of their obligation to recuse from particular matters in which the employee would have a disqualifying financial interest arising from the property described in the employee's request for a Certificate of Divestiture?

Yes ☐ No ☐ (if no, please explain using the continuation page)

b. Was the property acquired prior to appointment?

Yes ☐ No ☐ (if no, please explain using the continuation page)

Clear Form

c. Will divestiture of the property incur capital gains rather than ordinary income?

Yes ☒ No ☐ (if no, please explain using the continuation page)

d. Has the ethics office confirmed that none of the employee's other financial interests are "similar or related" to the property being divested (i.e., will divestiture resolve the entire conflict)?

Yes ☐ No ☐ (if no or if additional explanation is needed, please explain using the continuation page)

e. Has the ethics office confirmed that the property being divested is not held in an account that can be rolled into permissible property in a tax-deferred account without incurring capital gains (e.g., IRA, 401(k), etc.)?

Yes ☐ No ☐ (if no, please explain using the continuation page)

f. Is the request within the divestiture deadline?

Yes ☐ No ☐ (if no, please explain using the continuation page)

6. Are there any other factors that are not addressed above that weigh against issuing a certificate of divestiture (e.g., is the ethics office aware that the employee may be leaving the Government soon, or is under investigation or subject to a disciplinary action related to the conflict of interest requirements)? If yes, provide a detailed statement identifying the factors that weigh against issuing a certificate of divestiture on a continuation page.

Yes ☐ No ☒

7. Please confirm that you are submitting a completed CD package, including:

a. A written request from the employee that includes an unconditional statement that the eligible person holding the property (i.e., the employee, spouse, and/or relevant trustee) has agreed to divest the property.

Yes ☐ No ☐

b. A copy of the employee's most recent financial disclosure report including any required subsequent Periodic Transaction Reports, or a list of the equivalent information if the employee does not file a financial disclosure report.

Yes ☐ No ☐

c. A copy of the trust document if any of the property is held in a trust.

N/A ☐ Yes ☐ No ☐

Clear Form

8. Please provide any additional information that you would like OGE to consider when processing the request. **(If additional space is needed, please use the continuation page at the end of the format.)**

Please send the completed CD package to CD@oge.gov or to the following address: Director, U.S. Office of Government Ethics, 1201 New York Avenue, NW, Suite 500, Washington, DC 20005-3917.

Clear Form

Print

REQUEST FOR A CERTIFICATE OF DIVESTITURE
Continuation Page

Before each response, please indicate the question for which you are providing additional information.

Clear Form **Go To Page**

REQUEST FOR A CERTIFICATE OF DIVESTITURE
Continuation Page

Before each response, please indicate the question for which you are providing additional information.

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 5/11/2021 5:28:44 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]; **Ex. 6 Personal Privacy (PP)**
CC: **Ex. 6 Personal Privacy (PP)**
Subject: RE: Some questions on the CD

Hi **Ex. 6 Personal Privacy (PP)** Do you happen to have the documentation requested below? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, May 11, 2021 12:00 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
CC: **Ex. 6 Personal Privacy (PP)**
Subject: RE: Some questions on the CD

Thank you, Joe. I'm not sure what the drill for **Ex. 6 Personal Privacy (PP)** When we respond to OGE's initial round of questions, I'll ask them the question (again) if an email confirmation from **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

In anticipating a follow up question from OGE – I don't see **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, May 11, 2021 11:52 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
CC: **Ex. 6 Personal Privacy (PP)**
Subject: RE: Some questions on the CD

Thanks, Victoria **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

So, the next question is: **Ex. 6 Personal Privacy (PP)**

Sorry for the extra work OGE is making you do – and thank you.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, May 11, 2021 11:22 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Some questions on the CD

Hi Joe,

We had some initial feedback on the CD from OGE. They had some questions, but for you specifically, they want to know more about the [REDACTED] **Ex. 6 Personal Privacy (PP)** I thought it would have been obvious from reading the [REDACTED] **Ex. 6 Personal Privacy (PP)** but apparently it wasn't.

With respect specifically to [REDACTED] **(b) (6)** where the assets are located, is the following correct?

Ex. 6 Personal Privacy (PP)

We'll certainly want to make sure [REDACTED] **Ex. 6 Personal Privacy (PP)** because OGE has changed its mind and now wants [REDACTED] **Ex. 6 Personal Privacy (PP)** Nothing is ever easy.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

Message

From: Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 5/13/2021 1:11:30 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: RE: INVITATION: Roundtable on Decarbonizing Energy Grids Through 24/7 Clean Energy Supply

My concern is based simply on the fact that I opened something from "Google", not that I intend to participate. So, there's no need for Ethics to spend a lot of time analyzing. I guess I just wanted to register that since I think I have a Google conflict, I shouldn't have opened it in the first place. Sorry to be confused and confusing. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Thursday, May 13, 2021 7:36 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: INVITATION: Roundtable on Decarbonizing Energy Grids Through 24/7 Clean Energy Supply

I will run through Ethics for an opinion.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

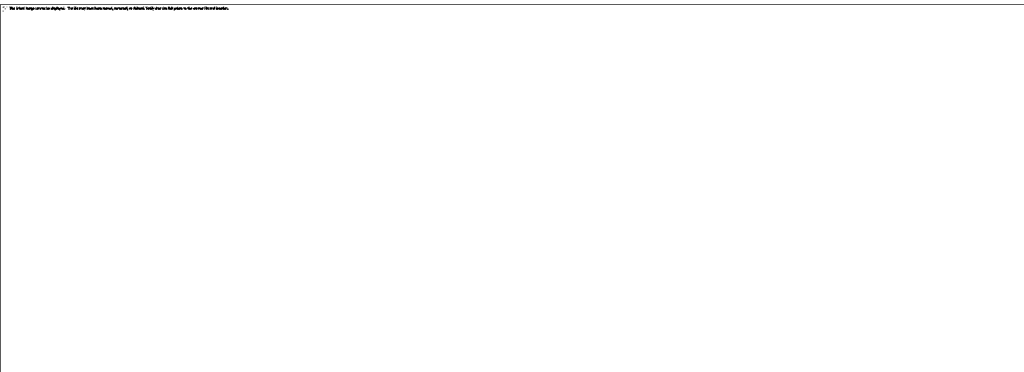
From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, May 12, 2021 9:57 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Fwd: INVITATION: Roundtable on Decarbonizing Energy Grids Through 24/7 Clean Energy Supply

Conflict?

Sent from my iPhone

Begin forwarded message:

From: Google Policy Roundtables <google-io-policy-roundtables@google.com>
Date: May 12, 2021 at 6:30:24 PM PDT
To: "Goffman, Joseph" <Goffman.Joseph@epa.gov>
Cc: tlkelly@google.com
Subject: INVITATION: Roundtable on Decarbonizing Energy Grids Through 24/7 Clean Energy Supply



Dear Mr. Goffman,

***Don't forget to register for this event -
HAPPENING NEXT WEEK!***

Google I/O is Google's annual event featuring major product announcements and technology breakthroughs. This year, it will be happening from May 18-20, and for the first time it will be completely virtual, free, and open to the public. You can learn more about I/O [here](#).

In conjunction with I/O, we are pleased to invite you to join us for an exclusive virtual roundtable discussion with Google and leaders from industry and academia on the pathway to 24/7 carbon-free electricity grids.

Featured roundtable speakers include:

Maud Texier, Head of Energy Development, **Google**

Leo Moreno, President, **AES Clean Energy**

Dr. Melissa Lott, Director of Research and Senior Research Scholar, **Columbia University, Center on Global Energy Policy**

Tim Latimer, CEO, **Fervo Energy**

Marsden Hanna, Head of Sustainability and Climate Policy, **Google**

Invite-only, closed-door discussion. Chatham House rule.

[Register for the exclusive roundtable here](#)



9.00am - 10.00 am PT | 12.00 - 1.00 pm ET | 6.00 - 7.00 pm CET



19 May 2021, Wednesday



Online via Google Meet
(participation link will be shared after you register)



Please RSVP [here](#) by Friday, 14 May 2021

For this page, please provide a brief description of the project, including the purpose, objectives, and expected outcomes. This information will be used to inform the public and to guide the project's implementation.

For this page, please provide a brief description of the project, including the purpose, objectives, and expected outcomes. This information will be used to inform the public and to guide the project's implementation.

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 5/24/2021 4:37:51 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: RE: New Issue -- SRECs

Yessir he is.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, May 24, 2021 12:38 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: New Issue -- SRECs

Thank you. I assume he's looping in OGC.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, May 24, 2021 12:35 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Issue -- SRECs

No, I looped in Jonathan and he is handling the request.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, May 24, 2021 12:32 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: FW: New Issue -- SRECs
Importance: High

Looks like I'm good to go with being in the loop on the Technical Assistance request that came in from Radha on Friday evening. At this point, from the perspective of getting the work launched, is there anything I need to do? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Monday, May 24, 2021 12:29 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Issue -- SRECs

Hi Joe,

For the SRECs and your contract with SolSystems, there's no need to cancel the contract or recuse. There's no matter of general applicability (e.g., rulemaking) problem here in reviewing the rule. At most you have a specific party matter problem that would require you recuse if SolSystems is a party or represents a party, which is not the case here.

But even if you review the rule, there's one additional thing that we need to keep in mind here -- and that is that you're a consumer in a relationship that could be implicated by the regulation. *If* the regulations that you're being asked to review go down all the way to the consumer level, then you'll want to come back and check in with OGC Ethics. We had an analogous situation arise under the Clean Air Act during the Volkswagen emissions scandal, where the enforcement provisions and class action lawsuit went all the way down to the consumer level and could have included EPA employees.

As for your bonus question! Adult children are not covered by 18 U.S.C. 208, but they can fall into the impartiality regulation at 5 C.F.R. 2635.502(b)(1)(ii), which requires you to recuse from a particular matter where a person who is a member of your household or a relative with whom you have a close personal relationship is a party or represents a party. If your child ever appeared at a meeting on behalf of Paragon Energy Capital, you would not be able to attend *unless* you sought an impartiality determination. However, if someone else appeared on behalf of Paragon Energy Capital, then you could attend the meeting.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Sunday, May 23, 2021 11:52 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: New Issue -- SRECs

Hi, Victoria. I just realized I have another potential conflicts issue. We have solar panels on our house and when we installed them we contracted with SolSystems to supply excess generation to sell as SRECs. On Friday, I fielded a call from Senate staff and an email from OCIR seeking technical assistance on draft clean energy standards legislation. Should I recuse myself until I can terminate the contract with SolSystems? Thanks.

And, bonus question. The offspring I mentioned my previous email builds financial models for an outfit called Paragon Energy Capital whose clients are solar energy investors. Is that a problem as well?

Thanks.

Joseph Goffman

Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

From: Clarke, Victoria [clarke.victoria@epa.gov]
Sent: 6/10/2021 6:07:32 PM
To: **Ex. 6 Personal Privacy (PP)** Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: RE: Sales

Yes, correct.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: **Ex. 6 Personal Privacy (PP)**
Sent: Thursday, June 10, 2021 1:31 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Sales

Hi Victoria,

We would prefer to wait for the CD for the mandatory sales, but will need additional funds nonetheless, so we should just proceed knowing that the 278-T will have to be filed, correct?

Thanks,

Ex. 6 Personal Privacy (PP)

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, June 10, 2021 1:19 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; **Ex. 6 Personal Privacy (PP)**
Subject: RE: Sales

I've pinged OGE – let's see if me gently shaking the tree yields any fruit.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Thursday, June 10, 2021 1:18 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>;

Subject: RE: Sales

Ex. 6 Personal Privacy (PP)

Thanks for responding so quickly, Victoria. Sounds like there's little hope of hearing from OGE any time soon.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Thursday, June 10, 2021 1:01 PM

To: **Ex. 6 Personal Privacy (PP)**; Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: RE: Sales

Hi **Ex. 6 Personal Privacy (PP)**

Are the securities that you're intending to sell part of what we submitted for the CD packet? If so, I can't tell you *not* to sell them, but **Ex. 6 Personal Privacy (PP)** won't be able to claim the certificate of divestiture if there are any capital gains from the sale, since the CD hasn't been issued by OGE yet. But if there won't be any capital gains from the sale of the asset anyway, then needing a CD for that asset would be a moot point.

If the securities are different from those that we're asking a CD for, then if the sale is over \$1,000, Joe will need to submit a periodic transaction report (278-T) within 45 days from the actual date of the transaction.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: **Ex. 6 Personal Privacy (PP)**

Sent: Thursday, June 10, 2021 12:37 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: RE: Sales

Dear Victoria,

We need to sell securities in **Ex. 6 Personal Privacy (PP)** What is the best procedure?

Thanks,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Wednesday, April 28, 2021 4:22 PM

To: **Ex. 6 Personal Privacy (PP)**; Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: RE: Sales

That is correct. Don't sell until we have the CD from OGE.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: **Ex. 6 Personal Privacy (PP)**

Sent: Wednesday, April 28, 2021 4:06 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Sales

Hi Joe,

I was just going to send email about divesting; just to confirm, we are still waiting for notice that the the CD has been issued before selling, correct?

Thanks,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Wednesday, April 28, 2021 3:17 PM

To: **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Subject: FW: Thoughts/Update on your CD

Please see below re funds that do ***not*** need divestiture, including: "Given that OGE thinks [redacted] is a diversified mutual fund, and there is no conflict of interest in you owning a diversified mutual fund, we do **not** need to request a CD for [redacted]"

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, April 28, 2021 2:58 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Thoughts/Update on your CD

Hi Joe,

Just to keep you informed of where we are on the CD, I gave Justina your CD letter to review late last week, and OGE is confirming for me if it needs confirmation from [redacted] **Ex. 6 Personal Privacy (PP)** and if so, if email confirmation will be sufficient. I'm due shortly for a call with Elaine Newton to see where she is on that.

One thing that I did want to let you know is that in the process of working on nominee reports, OGE told Justina and I *today* that they do not consider the following funds to be "sector funds," (you know, those mutual funds that focus on a specific industry or sector and which can be problematic for filers) but rather consider these funds to be diversified mutual funds:

-
-
-
-
-

Ex. 6 Personal Privacy (PP)

If any of those look familiar, they should – because we're requesting a CD for [redacted] **Ex. 6 Personal Privacy (PP)** [redacted] **Ex. 6 Personal Privacy (PP)** Given that OGE thinks [redacted] is a diversified mutual fund, and there is no conflict of interest in you owning a diversified mutual fund, we do **not** need to request a CD for [redacted]"

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

The contents of this e-mail and any attachments are confidential and for use solely by the intended recipients. If you are not the intended recipient, please notify us immediately by e-mail, and delete the original message. Delivery of this e-mail to any person other than an intended recipient does not waive privilege or confidentiality in any way. This information is for informational purposes only and is not an offer to buy, sell or recommend securities. Ex. 6 Personal Privacy (PP) claims compliance with the Global Investment Performance Standards (GIPS®). A compliant presentation is available at Ex. 6 Personal Privacy (PP) Past performance is not indicative of future results.

Message

From: Packard, Elise [Packard.Elise@epa.gov]
Sent: 9/17/2021 1:57:01 PM
To: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: Re: heads up -- possible semiconductor industry conflicts

Sending to Jim for help, I'm sure there is back in touch soon - thanks!

Sent from my iPhone

On Sep 17, 2021, at 8:44 AM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:

Elise,

Please see Justina's email below. Is there someone in Ethics who can assist Joe today with this—thanks.

Melissa

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, September 17, 2021 7:33 AM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: heads up -- possible semiconductor industry conflicts
Importance: High

Hi, Melissa. Apologies for bothering you about this, but both Justina and Victoria are out and as you can see from the below there is some urgency in the need to resolve the matter Justina emailed me about last night. Is there someone around who can review this chain and provide me with guidance?

Please note that I refer below to an email from Victoria from a few months ago. I will forward that to you as well momentarily so that you have both this exchange and the Victoria email.

Thank you very much for any help you can provide on this.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Goffman, Joseph
Sent: Friday, September 17, 2021 12:14 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>
Subject: Re: heads up -- possible semiconductor industry conflicts

Thanks for the heads up, Justina. Can we set up a discussion about this on Friday, please. I believe I have an email from Victoria, which I will endeavor to retrieve, that concludes or advises that the AIM Act rule that the Administrator is about sign does not create a conflict for me because it covers the production and consumption of HFCs across multiple sectors, only one of which is semiconductors. Did or do I understand that correctly?

The AIM Act also authorizes EPA to grant petitions and initiate rulemakings to restrict specific uses of HFCs. I assume that use-specific rulemakings that affect the semiconductor industry would create a conflict. Is your caution directed only at that circumstance? Or, again, is it also directed at the current economy-wide phase down?

Thanks

Sent from my iPhone

On Sep 16, 2021, at 11:51 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Joe,

I wanted to send you this note to say that we are learning more about the AIM Act that directs EPA to address HFCs by phasing down the production and consumption of listed HFCs, managing the HFCs and their substitutes, and also facilitating the transition to next-generation technologies.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please note that Amazon, Apple, IBM and Microsoft all apparently design and manufacture semiconductors, so employees who own over the regulatory exemption levels will not be able to participate in the rulemaking that addresses this industry. If indeed they are affected, then we will be worried about:

- Ownership over \$15,000 in any semiconductor manufacturer, which means an employee cannot work on a petition filed by that company;
- Ownership over \$25,000 in any semiconductor manufacturer, which means that an employee also cannot work on any rulemaking that will affect this industrial sector; and
- Ownership over \$50,000 in any sector fund that invests in the semiconductor industry, such as Direxion Daily Semiconductor Bull (SOXL), ProShares Ultra Semiconductors ETF (USD), Invesco Dynamic Semiconductors ETF (PSI), VanEck Vectors Semiconductor ETF (SMH), or iShares PHLX Semiconductor ETF (SOXX).

Although your 4/8/21 recusal statement included semiconductors, your updated recusal statement of 6/30/21 does not. Since we now believe that Amazon, Apple, IBM and Microsoft may be affected by the upcoming semiconductor rulemaking, we advise caution on your part.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<Signed recusal 4-8-21.docx>

<Joe Goffman Updated Recusal - signed 6-30-21.pdf>

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 9/17/2021 2:48:48 PM
To: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
Subject: Re: heads up -- possible semiconductor industry conflicts

Shannon can help with this issue, as referenced in my outgoing message. And If need be, I can call in soon but am still recovering from my root canal.

Sent from my iPhone

On Sep 17, 2021, at 8:44 AM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:

Elise,

Please see Justina's email below. Is there someone in Ethics who can assist Joe today with this—thanks.

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From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, September 17, 2021 7:33 AM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: heads up -- possible semiconductor industry conflicts
Importance: High

Hi, Melissa. Apologies for bothering you about this, but both Justina and Victoria are out and as you can see from the below there is some urgency in the need to resolve the matter Justina emailed me about last night. Is there someone around who can review this chain and provide me with guidance?

Please note that I refer below to an email from Victoria from a few months ago. I will forward that to you as well momentarily so that you have both this exchange and the Victoria email.

Thank you very much for any help you can provide on this.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Goffman, Joseph
Sent: Friday, September 17, 2021 12:14 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>

Subject: Re: heads up -- possible semiconductor industry conflicts

Thanks for the heads up, Justina. Can we set up a discussion about this on Friday, please. I believe I have an email from Victoria, which I will endeavor to retrieve, that concludes or advises that the AIM Act rule that the Administrator is about sign does not create a conflict for me because it covers the production and consumption of HFCs across multiple sectors, only one of which is semiconductors. Did or do I understand that correctly?

The AIM Act also authorizes EPA to grant petitions and initiate rulemakings to restrict specific uses of HFCs. I assume that use-specific rulemakings that affect the semiconductor industry would create a conflict. Is your caution directed only at that circumstance? Or, again, is it also directed at the current economy-wide phase down?

Thanks

Sent from my iPhone

On Sep 16, 2021, at 11:51 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Joe,

I wanted to send you this note to say that we are learning more about the AIM Act that directs EPA to address HFCs by phasing down the production and consumption of listed HFCs, managing the HFCs and their substitutes, and also facilitating the transition to next-generation technologies.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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- Ownership over \$15,000 in any semiconductor manufacturer, which means an employee cannot work on a petition filed by that company;
- Ownership over \$25,000 in any semiconductor manufacturer, which means that an employee also cannot work on any rulemaking that will affect this industrial sector; and
- Ownership over \$50,000 in any sector fund that invests in the semiconductor industry, such as Direxion Daily Semiconductor Bull (SOXL), ProShares Ultra Semiconductors ETF (USD), Invesco Dynamic Semiconductors ETF (PSI), VanEck Vectors Semiconductor ETF (SMH), or iShares PHLX Semiconductor ETF (SOXX).

Although your 4/8/21 recusal statement included semiconductors, your updated recusal statement of 6/30/21 does not. Since we now believe that Amazon, Apple, IBM and Microsoft may be affected by the upcoming semiconductor rulemaking, we advise caution on your part.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<Signed recusal 4-8-21.docx>

<Joe Goffman Updated Recusal - signed 6-30-21.pdf>

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 9/20/2021 8:39:48 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: FW: Seeking Ethics Advice for J Goffman

See advice below. You are clear to participate.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, September 20, 2021 4:35 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Seeking Ethics Advice for J Goffman

Hi Ann,

This is a very good question! The short answer is yes, Joe can participate in the petitions and the briefing on Wednesday, and here's why –

The petitions themselves are specific party matters, and as you pointed out, none of the companies listed on Joe's recusal are petitioners. Now some of the petitions were filed by trade associations, and presumably some of those companies on his list may be members. Also, one of those petitions was filed by Household & Commercial Products Association, specifically related to aerosol product manufacturers. And some of those aerosol products would likely fall within the sectors he's recused from – Household & Personal Products (Proctor & Gamble etc.); Commodity Chemicals (paint). But we are interested in whether any of the companies are a party to the petition (specific party matter).

Since none of the petitioners are on his recusal list, he may work on the petitions. I'd note that granting a petition initiates the rulemaking process. So Joe would NOT be able to work on any of the subsequent rulemakings that would be focused on the interests of Household & Commercial Products or Paint. We'd have to take a closer look at any proposed rule(s) further down the road to see whether numerous sectors are involved (e.g., rule applying to all aerosol manufacturers *and* importers/exporters etc). I took a look at the briefing slides for the Administrator's meeting on Wednesday and it doesn't get into any details about such rulemakings; it's focused on AIM Act background and the petitions. So I'd say he'd be able to participate in it as well.

Please let me know if you have any other questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, September 20, 2021 7:55 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Seeking Ethics Advice for J Goffman

Good morning, in follow-up to the exchange below, I am seeking your advice wrt Joe's participation in decision-making on petitions the Agency has received under the AIM Act. EPA has received 13 petitions to restrict hydrofluorocarbons (HFCs) under subsection (i) of the AIM Act. The petitions cover more than 40 subsectors in the aerosols, foams, refrigeration and air conditioning sectors and are from environmental NGOs, industry trade associations, States, and private companies. Several petitions have multiple co-sponsors. In light of the complexity of this matter, the complexity of Joe's recusal itself, and your advice below, I am seeking your assistance to determine Joe's ability to participate in this matter.

In my initial review, I can find no overlap between the petitioners and any specific party listed in his recusal. Nor do I find any direct or obvious overlap between the substances which give rise to the petitions and the individual sectors listed in Joe's recusal. However, there are two areas of his recusal, commodity chemicals (paint) and household & personal products, which are close enough that I believe it warrants further scrutiny. Aerosols is one subsector the petitioners seek to have restricted, though paint is never directly raised. And the category of household and personal products is broad enough that I am not clear if it would apply to the asks made in the petitions.

There is a briefing of the Administrator on Wednesday and I hope to have your advice wrt his participation before then, if possible. I have attached the briefing materials, along with one of the petitions, this one was submitted by the Household & Commercial Products Association, and thus appears to be the most directly on point for this analysis. If you need more information or have additional questions please don't hesitate to contact me.

Thank you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Friday, September 17, 2021 11:21 AM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Response to Justina's heads up -- possible semiconductor industry conflicts

Hi Joe and Jim,

Let me see if I can provide some additional background and clarity to the email below -

Justina is pointing out there is a *possible* semiconductor industry conflict related to any future industry specific rulemakings. Starting with the AIM Act itself – yes, that would be considered a broader “matter” given the multitude of sectors that could be affected. And then we also have to look at any individual proposed rules issued under the AIM Act for conflicts purposes. We ask whether the rule distinctly affects a particular industry or identifiable class of persons. For the multi-sector phasedown rule that has already been proposed, we've determined it is also a “matter” since so many sectors are involved and it's too broad of a group to qualify as a “distinct and identifiable class.”

I believe Justina's cautionary email below is for any future use-specific rulemakings that affect semiconductors. I'd also note that we still have some outstanding questions to that end. For example, if there is a future rule proposed under the AIM Act that impacts only semiconductor manufacturers, we'd have to answer whether any of those entities listed below (Apple, Amazon, IBM or Microsoft) actually manufacture semiconductors in the US. I'm not sure we have an answer to that yet. We will continue to look into this and keep you apprised.

Hopefully that helps! I'm around today if any additional follow-up is needed.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Fugh, Justina
Sent: Thursday, September 16, 2021 11:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: heads up -- possible semiconductor industry conflicts

Hi Joe,

I wanted to send you this note to say that we are learning more about the AIM Act that directs EPA to address HFCs by phasing down the production and consumption of listed HFCs, managing the HFCs and their substitutes, and also facilitating the transition to next-generation technologies.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please note that Amazon, Apple, IBM and Microsoft all apparently design and manufacture semiconductors, so employees who own over the regulatory exemption levels will not be able to participate in the rulemaking that addresses this industry. If indeed they are affected, then we will be worried about:

- Ownership over \$15,000 in any semiconductor manufacturer, which means an employee cannot work on a petition filed by that company;
- Ownership over \$25,000 in any semiconductor manufacturer, which means that an employee also cannot work on any rulemaking that will affect this industrial sector; and
- Ownership over \$50,000 in any sector fund that invests in the semiconductor industry, such as Direxion Daily Semiconductor Bull (SOXL), ProShares Ultra Semiconductors ETF (USD), Invesco Dynamic Semiconductors ETF (PSI), VanEck Vectors Semiconductor ETF (SMH), or iShares PHLX Semiconductor ETF (SOXX).

Although your 4/8/21 recusal statement included semiconductors, your updated recusal statement of 6/30/21 does not. Since we now believe that Amazon, Apple, IBM and Microsoft may be affected by the upcoming semiconductor rulemaking, we advise caution on your part.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 10/19/2021 11:27:11 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Subject: FW: Ethics Check for J. Goffman

Ethics has cleared you to sign the technical corrections memo when it comes back for review and signature.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, October 18, 2021 9:35 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics Check for J. Goffman

Hi Ann,

First, good for you for spotting this one! Definitely one we had to take a closer look at, focusing on the original docket and FR notices. In doing so, we learned that the source category this NESHAP is directed at is the surface coating operations – meaning the automobile and light duty trucks surface coating facilities (e.g., assembly plants and producers of auto-mobile and light-duty truck bodies). The regulation is not targeted at the manufacturer of the paint and coating products (Sherwin Williams), and nothing in the regulation appears to single out such paint manufacturers. So since the rule is not directed at the paint and coat industry and is instead focused on the facilities that use the paint, there is no direct and predictable effect on Joe's financial interests in Sherwin Williams. Thus, he would be able to review and sign this notice.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, October 18, 2021 9:39 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Check for J. Goffman
Importance: High

Good morning, the attached Federal Register Notice has been prepared for Joe's signature and touches on the proper protocol for determining the daily volatile organic compound emission rate of automobile and light-duty truck primer-surfacer and topcoat operations. It is technical correction to a regulation promulgated on November 1, 2019. Due to Joe's recusal pertaining broadly to paint, I want to be sure that it is appropriate for him to review and sign this notice.

Please let me know if you have any questions. Thank you.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Mcquilkin, Wendy <Mcquilkin.Wendy@epa.gov>

Sent: Monday, October 18, 2021 7:02 AM

To: Campbell, Ann <Campbell.Ann@epa.gov>

Cc: OAQPSREGPROCESSING <OAQPSREGPROCESSING@epa.gov>; Hooper, Daniel <hooper.daniel@epa.gov>

Subject: SAN 9872 : NESHAP: Surface Coating of Automobiles and Light-Duty Trucks, Surface Coating of Metal Cans, Boat Manufacturing, and Clay Ceramics Manufacturing; Technical Correction Package (SAN 8472)

Importance: High

SAN 9872

TO: THE IMMEDIATE OFFICE FOR REVIEW AND CONCURRENCE FOR THE ADMINISTRATOR'S SIGNATURE.

Attached is the signature package for Clay Ceramic Good Cause (SAN 9872). The IBR for this package was submitted on 8/31 and is still being processed. The CMS control number is OAR-21-000-6235.

POC: Amber Iglesias
202-654-3175

Wendy

Wendy McQuilkin
USEPA - OAR/OAPP
1200 Pennsylvania Ave, NW
Washington, DC 20460
Rm 5442S WJC North - MC 6103A
(202) 564-1348

Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible – Dr. Maya Angelou

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 10/20/2021 9:22:59 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Subject: FW: Ethics Advice for J Goffman

Joe, given the advice below, I will be sending this to you shortly.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, October 20, 2021 5:19 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics Advice for J Goffman

Hi Ann,

For this one we wouldn't be able to rely on the same advice provided yesterday. Mainly because one of the Source Categories ("Other Industrial and Commercial") includes Paint and Coating Manufacturing as a regulated entity covered by the rule/NESHAP amendments. Sherwin Williams would fall in that group. However, there are *many listed regulated entities representing numerous different sectors*. And since a multitude of sectors could be affected by the action, we'd consider it to be a broader "matter" and not a particular matter of general applicability. Thus, Joe would be able to participate personally and substantially.

Let us know if you have any other questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Tuesday, October 19, 2021 3:09 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Ethics Advice for J Goffman
Importance: High

Shannon, thanks so much for your advice yesterday regarding a regulatory package involving surface coating operations. I have yet another package involving surface coating operations and paint stripping operations (attached). Would you advice similarly extend to this action?

Thank you for your consideration.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Mcquilkinn, Wendy <Mcquilkinn.Wendy@epa.gov>
Sent: Tuesday, October 19, 2021 2:30 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: OAQPSREGPROCESSING <OAQPSREGPROCESSING@epa.gov>; Hooper, Daniel <hooper.daniel@epa.gov>
Subject: SAN 8339 Signature Package for: Paint Stripping NPRM - CMS#OAR-20-000-0338
Importance: High

SAN 8339 - NPRM

TO: THE IMMEDIATE OFFICE FOR REVIEW AND CONCURRENCE FOR THE ADMINISTRATOR'S SIGNATURE.

Attached is the signature package for National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (SAN 8339). This is a tier 3 action and was determined "non-significant by OMB. This proposal package has a court order deadline of 11/1/2021 for signature. The CMS Control number is OAR-22-000-0338.

POC: Amber Iglesias
202-564-3175

Wendy

Wendy McQuilkin
USEPA - OAR/OAPPS
1200 Pennsylvania Ave, NW
Washington, DC 20460
Rm 5442S WJC North - MC 6103A
(202) 564-1348

Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible -- Dr. Maya Angelou

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 10/25/2021 4:54:51 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]
Subject: Fwd: Seeking Ethics Advice for J Goffman

All set for Friday.

Ann (Campbell) Ferrio
Chief of Staff
Office of Air and Radiation
(202) 566-1370

Begin forwarded message:

From: "Griffo, Shannon" <Griffo.Shannon@epa.gov>
Date: October 25, 2021 at 12:36:46 PM EDT
To: "Campbell, Ann" <Campbell.Ann@epa.gov>
Cc: "Clarke, Victoria" <clarke.victoria@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: RE: Seeking Ethics Advice for J Goffman

Hi Ann,

Yes, we can use the same analysis below for this one. The briefing is to discuss IGSD's petition submitted under the AIM Act and how to respond to that petition. The petition here is the specific party matter. And since the petitioner, IGSD, is not on his recusal list, Joe may work on this petition and participate in the briefing Friday about how to address the IGSD petition.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, October 25, 2021 11:06 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Seeking Ethics Advice for J Goffman

Good morning Shannon. Thank you for all your recent assistance. I am coming to you with another request for a determination. As you may recall, earlier this month it was determined that Joe could participate in decision-making around a batch of HFC-related petitions (see below). There was one petition (attached) that we did not respond to at that time that the program will be briefing Joe on on Friday. Not wanting to rely solely on the analysis and advice below, I want to double check that Joe may participate in this particular action.

Please let me know if you have any questions. Thank you.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, September 20, 2021 4:35 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Seeking Ethics Advice for J Goffman

Hi Ann,

This is a very good question! The short answer is yes, Joe can participate in the petitions and the briefing on Wednesday, and here's why –

The petitions themselves are specific party matters, and as you pointed out, none of the companies listed on Joe's recusal are petitioners. Now some of the petitions were filed by trade associations, and presumably some of those companies on his list may be members. Also, one of those petitions was filed by Household & Commercial Products Association, specifically related to aerosol product manufacturers. And some of those aerosol products would likely fall within the sectors he's recused from – Household & Personal Products (Proctor & Gamble etc.); Commodity Chemicals (paint). But we are interested in whether any of the companies are a party to the petition (specific party matter).

Since none of the petitioners are on his recusal list, he may work on the petitions. I'd note that granting a petition initiates the rulemaking process. So Joe would NOT be able to work on any of the subsequent rulemakings that would be focused on the interests of Household & Commercial Products or Paint. We'd have to take a closer look at any proposed rule(s) further down the road to see whether numerous sectors are involved (e.g., rule applying to all aerosol manufacturers *and* importers/exporters etc). I took a look at the briefing slides for the Administrator's meeting on Wednesday and it doesn't get into any details about such rulemakings; it's focused on AIM Act background and the petitions. So I'd say he'd be able to participate in it as well.

Please let me know if you have any other questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, September 20, 2021 7:55 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Seeking Ethics Advice for J Goffman

Good morning, in follow-up to the exchange below, I am seeking your advice wrt Joe's participation in decision-making on petitions the Agency has received under the AIM Act. EPA has received 13 petitions to restrict hydrofluorocarbons (HFCs) under subsection (i) of the AIM Act. The petitions cover more than 40 subsectors in the aerosols, foams, refrigeration and air conditioning sectors and are from environmental NGOs, industry trade associations, States, and private companies. Several petitions have multiple co-sponsors. In light of the

complexity of this matter, the complexity of Joe's recusal itself, and your advice below, I am seeking your assistance to determine Joe's ability to participate in this matter.

In my initial review, I can find no overlap between the petitioners and any specific party listed in his recusal. Nor do I find any direct or obvious overlap between the substances which give rise to the petitions and the individual sectors listed in Joe's recusal. However, there are two areas of his recusal, commodity chemicals (paint) and household & personal products, which are close enough that I believe it warrants further scrutiny. Aerosols is one subsector the petitioners seek to have restricted, though paint is never directly raised. And the category of household and personal products is broad enough that I am not clear if it would apply to the asks made in the petitions.

There is a briefing of the Administrator on Wednesday and I hope to have your advice wrt his participation before then, if possible. I have attached the briefing materials, along with one of the petitions, this one was submitted by the Household & Commercial Products Association, and thus appears to be the most directly on point for this analysis. If you need more information or have additional questions please don't hesitate to contact me.

Thank you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Friday, September 17, 2021 11:21 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Response to Justina's heads up -- possible semiconductor industry conflicts

Hi Joe and Jim,

Let me see if I can provide some additional background and clarity to the email below -

Justina is pointing out there is a *possible* semiconductor industry conflict related to any future industry specific rulemakings. Starting with the AIM Act itself – yes, that would be considered a broader “matter” given the multitude of sectors that could be affected. And then we also have to look at any individual proposed rules issued under the AIM Act for conflicts purposes. We ask whether the rule distinctly affects a particular industry or identifiable class of persons. For the multi-sector phasedown rule that has already been proposed, we've determined it is also a “matter” since so many sectors are involved and it's too broad of a group to qualify as a “distinct and identifiable class.”

I believe Justina's cautionary email below is for any future use-specific rulemakings that affect semiconductors. I'd also note that we still have some outstanding questions to that end. For example, if there is a future rule proposed under the AIM Act that impacts only semiconductor manufacturers, we'd have to answer whether any of those entities listed below (Apple, Amazon, IBM or Microsoft) actually manufacture semiconductors in the US. I'm not sure we have an answer to that yet. We will continue to look into this and keep you apprised.

Hopefully that helps! I'm around today if any additional follow-up is needed.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office

From: Fugh, Justina
Sent: Thursday, September 16, 2021 11:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: heads up -- possible semiconductor industry conflicts

Hi Joe,

I wanted to send you this note to say that we are learning more about the AIM Act that directs EPA to address HFCs by phasing down the production and consumption of listed HFCs, managing the HFCs and their substitutes, and also facilitating the transition to next-generation technologies.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please note that Amazon, Apple, IBM and Microsoft all apparently design and manufacture semiconductors, so employees who own over the regulatory exemption levels will not be able to participate in the rulemaking that addresses this industry. If indeed they are affected, then we will be worried about:

- Ownership over \$15,000 in any semiconductor manufacturer, which means an employee cannot work on a petition filed by that company;
- Ownership over \$25,000 in any semiconductor manufacturer, which means that an employee also cannot work on any rulemaking that will affect this industrial sector; and
- Ownership over \$50,000 in any sector fund that invests in the semiconductor industry, such as Direxion Daily Semiconductor Bull (SOXL), ProShares Ultra Semiconductors ETF (USD), Invesco Dynamic Semiconductors ETF (PSI), VanEck Vectors Semiconductor ETF (SMH), or iShares PHLX Semiconductor ETF (SOXX).

Although your 4/8/21 recusal statement included semiconductors, your updated recusal statement of 6/30/21 does not. Since we now believe that Amazon, Apple, IBM and Microsoft may be affected by the upcoming semiconductor rulemaking, we advise caution on your part.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 11/4/2021 4:00:17 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
CC: Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Lau, Patrick [Lau.Patrick@epa.gov]
Subject: FW: Ethics Determination Request - J Goffman 1 of 2

Still waiting to hear, given this advice, if you can sign the action memo. Will update once I have that.

Copying key OAP rule folks.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, November 4, 2021 8:00 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics Determination Request - J Goffman 1 of 2

Hi Ann,

In looking at the description of the proposed rule revisions for the GHGRP, there are definitely a multitude of sectors affected by the revisions. However, there are parts of the revisions that are specific to certain sectors and that will have a distinct effect on a particular industry. Joe (and Ale) may work on the broader rulemaking that will affect multiple sectors, but they should not work on any part of the rule that has a distinct effect on the sector(s) from which they are recused. Thus, they should not work on any parts of the rule that are specific to the semiconductor industry, which includes the separate regulatory subpart specific to electronic manufacturers (covering semiconductor manufacturing) – Subpart I.

I didn't see any other sectors/regulatory subparts that would fall under Joe's (or Ale's) recusals.

As always, thanks for checking in with us!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Tuesday, November 2, 2021 4:53 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Determination Request - J Goffman 1 of 2

Shannon – I've had another question arise with regard to Joe's (and perhaps Ale's too) engagement on and approval of the proposed rule revisions for the Greenhouse Gas Reporting Program. Under one aspect of the revisions (there are 97

in total), the program is recommending revisions to subpart I, electronics manufacturing, to add a second option for estimating emissions for purposes of applicability for, amongst others, semiconductor manufacturers. The attached index describes this recommendation in a bit more detail on page 6, revision #25. Please advise if this meets any of the individual sector recusals as identified in Joe's statement.

Thank you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 11/8/2021 3:06:10 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
Subject: FW: Ethics Determination Request - J Goffman 1 of 2

My current thought is to just have Tomas sign the action memo but ethics offers some additional options below. Let me know if you have a preference.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Friday, November 5, 2021 8:28 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics Determination Request - J Goffman 1 of 2

Hi Ann,

Good question. Since the action memorandum would be approving the rule in its entirety, and he's recused from Subpart I, he wouldn't be able to sign the memo. One option would be to rewrite the action memo to take out Subpart I because Joe can sign that, and then have a separate memo just for Subpart I that Tomás signs. Or perhaps write one memo for dual signature that makes clear Joe is approving all but Subpart I while Tomás is approving just Subpart I.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Thursday, November 4, 2021 8:20 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics Determination Request - J Goffman 1 of 2

Thanks Shannon. Just so I'm clear, this rule is for Administrator's signature, but Joe typically signs an action memorandum indicating his approval of the rule in its entirety and recommending the Administrator sign. May he sign that memo?

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, November 4, 2021 8:00 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics Determination Request - J Goffman 1 of 2

Hi Ann,

In looking at the description of the proposed rule revisions for the GHGRP, there are definitely a multitude of sectors affected by the revisions. However, there are parts of the revisions that are specific to certain sectors and that will have a distinct effect on a particular industry. Joe (and Ale) may work on the broader rulemaking that will affect multiple sectors, but they should not work on any part of the rule that has a distinct effect on the sector(s) from which they are recused. Thus, they should not work on any parts of the rule that are specific to the semiconductor industry, which includes the separate regulatory subpart specific to electronic manufacturers (covering semiconductor manufacturing) – Subpart I.

I didn't see any other sectors/regulatory subparts that would fall under Joe's (or Ale's) recusals.

As always, thanks for checking in with us!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Tuesday, November 2, 2021 4:53 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Determination Request - J Goffman 1 of 2

Shannon – I've had another question arise with regard to Joe's (and perhaps Ale's too) engagement on and approval of the proposed rule revisions for the Greenhouse Gas Reporting Program. Under one aspect of the revisions (there are 97 in total), the program is recommending revisions to subpart I, electronics manufacturing, to add a second option for estimating emissions for purposes of applicability for, amongst others, semiconductor manufacturers. The attached index describes this recommendation in a bit more detail on page 6, revision #25. Please advise if this meets any of the individual sector recusals as identified in Joe's statement.

Thank you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Hooper, Daniel [hooper.daniel@epa.gov]
Sent: 12/20/2021 3:14:10 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]
Subject: FOR YOUR CONCURRENCE: Draft response to Sen. Blackburn: AL-22-000-0345
Attachments: Incoming October 18, 2021 Blackburn.pdf; AL-22-000-0345 draft response_Dec 6_2021.docx; RE: Ethics Determination - A Nunez & J Goffman

Hi Joe,

Please see the attached draft response for your review and concurrence prior to sending to OCIR. Ale has reviewed and concurred (see email below). Please note that we conducted an ethics check, and it was determined that you and Ale are **not recused** from reviewing these letters (see attached email).

Thanks
Dan

Daniel Hooper
Assistant Chief of Staff
Office of Air and Radiation, US EPA
hooper.daniel@epa.gov
202.343.9167 office

Pronouns: He/Him/His

From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Monday, December 20, 2021 9:59 AM
To: Hooper, Daniel <hooper.daniel@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>
Subject: RE: FOR YOUR REVIEW: Draft response to Sen. Blackburn: AL-22-000-0345

Thank you, Dan, for conferring with OGC. In light of their conclusion that I am not recused from this matter, I have reviewed the draft response and I concur.

From: Hooper, Daniel <hooper.daniel@epa.gov>
Sent: Thursday, December 16, 2021 1:30 PM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>
Subject: RE: FOR YOUR REVIEW: Draft response to Sen. Blackburn: AL-22-000-0345

Hi Ale,

We conducted an ethics determination on these draft responses, and OGC confirmed that you and Joe are both **not recused** from reviewing these letters and Joe ultimately signing them (see email attached from OGC).

Please let me know if you would still like me to work with Tomas to review the draft response prior to Joe's signature.

Thanks
Dan

Daniel Hooper
Assistant Chief of Staff
Office of Air and Radiation, US EPA
hooper.daniel@epa.gov
202.343.9167 office

Pronouns: He/Him/His

From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Wednesday, December 8, 2021 12:34 PM
To: Hooper, Daniel <hooper.daniel@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>
Subject: RE: FOR YOUR REVIEW: Draft response to Sen. Blackburn: AL-22-000-0345

Hi Dan,
As I was proceeding to review, I realized that this letter to the Administrator is related to semiconductors. I am recused from participating in matters dealing with this sector, and Joe does as well.
I therefore did not open/review the draft response.
Thanks.

From: Hooper, Daniel <hooper.daniel@epa.gov>
Sent: Wednesday, December 8, 2021 10:36 AM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>
Subject: FOR YOUR REVIEW: Draft response to Sen. Blackburn: AL-22-000-0345

Hi Ale,

Please see the attached for your review and concurrence, prior to sending it to Joe for approval.

Thanks
Dan

Daniel Hooper
Assistant Chief of Staff
Office of Air and Radiation, US EPA
hooper.daniel@epa.gov
202.343.9167 office

Pronouns: He/Him/His

From: Carroll, Maria <carroll.maria@epa.gov>
Sent: Monday, December 6, 2021 2:52 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Hooper, Daniel <hooper.daniel@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: AL-22-000-0345

Ann:

Attached is OTAQ's concurrence on the above congressional for OAR/IO review and approval.
Thanks

Maria

*Maria Alvarez Carroll
Correspondence Specialist
Office of Air and Radiation - Correspondence Unit
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-7417
Fax: (202) 501-0600
carroll.maria@epa.gov*

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 12/14/2021 8:58:24 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]
Subject: RE: Ethics Determination - A Nunez & J Goffman

Hi Ann (and Dan),

I was out of the office for a bit so apologies for the delayed response. We took a closer look at both the incoming letters and the draft response, and conclude that both Ale and Joe may work on the letter. The subject matter of the letter focuses on the engine manufacturers and the software solutions, and only mentions the microchip shortage in passing. Thus, we'd say this version of the letter *does not directly affect the semiconductor industry*, so they can both review the response, and Joe may also sign it.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Thursday, December 9, 2021 4:44 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Hooper, Daniel <hooper.daniel@epa.gov>
Subject: Ethics Determination - A Nunez & J Goffman

Victoria, looks like Shannon is out so I'm reaching out to you with a request for an ethics determination. The attached incoming letters from Congress reference a global microchip shortage. The (template) response (attached) has been prepared for Joe's signature. Given both Ale and Joe's recusal in the semiconductors area, I wanted to know if Ale may review and Joe may review/sign the response.

Allow me to introduce you to OAR's Assistant Chief of Staff, Dan Hooper. I have copied him here for awareness as he is shepherding the response and I am scheduled to be out tomorrow.

Please let me know if you have any questions. Thank
you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Kim, Eunjung [Kim.Eun@epa.gov]
Sent: 1/12/2022 1:28:11 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: Hooper, Daniel [hooper.daniel@epa.gov]
Subject: RE: Ethics Check for J Goffman for Thursday meeting

Thanks, Ann! I will confirm with Kathleen that Joe can attend.

Eunjung Kim
Special Assistant
Office of Air and Radiation
Environmental Protection Agency
(202) 815-7252

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Wednesday, January 12, 2022 8:05 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Kim, Eunjung <Kim.Eun@epa.gov>
Cc: Hooper, Daniel <hooper.daniel@epa.gov>
Subject: Fwd: Ethics Check for J Goffman for Thursday meeting

Ann (Campbell) Ferrio
Chief of Staff
Office of Air and Radiation
(202) 566-1370

Begin forwarded message:

From: "Griffo, Shannon" <Griffo.Shannon@epa.gov>
Date: January 12, 2022 at 7:57:48 AM EST
To: "Campbell, Ann" <Campbell.Ann@epa.gov>
Cc: "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: RE: Ethics Check for J Goffman for Thursday meeting

Hi Ann,

After taking a closer look at TPG Capital and TPG Rise Climate Fund, I'd conclude that Joe could participate in this meeting because ultimately there's no "direct and predictable" financial effect between taking this meeting and his financial interests. Although some of the companies that have invested in this climate-focused financial fund (and participate in the related Coalition) include companies from which Joe is recused, there's no relationship between the entities and TPG that would cause rise to a financial conflict of interest. His participation in the meeting would not have a direct and predictable financial effect on those companies pursuant to the conflict of interest statute.

Thanks!
Shannon

Shannon Griffo

Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Tuesday, January 11, 2022 11:25 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Check for J Goffman for Thursday meeting

Shannon, Joe has been asked to staff an introductory meeting the Administrator is having with former Secretary of Treasury, Hank Paulson, and his staff (Kelley Folino – Chief of Staff, Maryanne Hancock – CEO of Y Analytics) this Thursday to discuss the Secretary's current work as the chair of TPG Rise Climate, an investment portfolio for TPG Capital, begun to address climate issues. In early 2021, TPG Capital, an investment company based in Texas, started TPG Rise Climate. This is an investment-based initiative to drive companies to reduce carbon emissions with Secretary Paulson serving as the Executive Chairman. The companies and organizations that we've seen that are a part of this investment group are identified below. These companies and organizations will not be a party to this meeting. As you can see though, there are some listed which are identified on Joe's recusal or have business that would implicate an individual sector identified in Joe's recusal. Please advise if Joe may take part in this meeting. I have attached the call memo developed for the Administrator as preparatory materials for this meeting. As you can see, it is currently drafted to go from Tomas to the Administrator, pending an ethic determination regarding Joe's ability to engage. Please let me know if you have any questions. Thank you!

- Allstate, AXA, The Hartford, Ontario Teachers' Pension Plan Board, Public Investment Fund, Public Sector Pension Investment Board, School Employees Retirement System of Ohio, Silk Road Fund, State of Michigan Retirement System, Universities Superannuation Scheme (USS), and Washington State Investment Board.
- 3M, ADM, Allianz, Allstate, Alphabet, Apple, AXA, Bank of America, Boeing, Dow, Exor, FedEx, GE, General Motors, Honeywell, John Deere, Michael R. Bloomberg, NIKE, Sumitomo Mitsui Banking Corporation, Smithfield Foods, and TD Bank Group.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Griffio, Shannon [Griffio.Shannon@epa.gov]
Sent: 2/11/2022 1:26:36 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: The Never-Ending Story

Correct. This is part of the template response we've given other nominees.

Shannon Griffio
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, February 11, 2022 6:23 AM
To: Griffio, Shannon <Griffio.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: The Never-Ending Story

Thank you very much, Shannon. These responses certainly make sense, but I just want to confirm that by "standard ethics response" you're referring to, among other things, how other nominees have answered these questions? Thanks, again.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffio, Shannon <Griffio.Shannon@epa.gov>
Sent: Thursday, February 10, 2022 12:30 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: The Never-Ending Story

Hi Joe,

See our proposed responses in red below. Note that these are our standard ethics responses. But this morning, Justina and I had a preliminary discussion with William Niebling to alert him of how we are answering the ethics questions and provide some additional background. We will be available to assist with any ethics-related questions as the process proceeds.

I've also attached the draft transmittal letter referenced below. This is what Justina will send to OGE, along with your signed ethics agreement.

Thanks!
Shannon

Shannon Griffio
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Thursday, February 10, 2022 7:54 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: The Never-Ending Story

Hi, Shannon and Justina. I'm so sorry to bother you again, but I'm hoping to get a bit more advice. Assuming that Justina is right and that all that is left to do is for the administration to put my name forward for the OAR AAship, I gather that I have to submit answers to a Senate Questionnaire. Have you had any experience advising would-be nominees on how to answer some of the financial and conflicts questions? If so, would be willing to take a look at the questions below and let me know how you think I should answer them or what other nominees that you've worked with have done (e.g., incorporate by reference the 278 and current Ethics and Recusal Agreements)? Thanks.

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

None

2. Are any assets pledged?

____ Yes. If so, please explain:

__X__ No

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the EPA's designated agency ethics official and/or alternate designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Agency's designated agency ethics official and that has been provided to this Committee.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the EPA's designated agency ethics official and/or alternate designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Agency's designated agency ethics official and that has been provided to this Committee.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the EPA's designated agency ethics official and/or alternate designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Agency's designated agency ethics official and that has been provided to this Committee. Please also see the attached transmittal letter from the Alternate Designated Agency Ethics Official to the U.S. Office of Government Ethics.

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

From: Kim, Eun [Kim.Eun@epa.gov]
Sent: 2/25/2021 10:14:46 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: READING: Materials for Friday, February 26, 2021
Attachments: AR RH Withdrawal of FIP Final action_2021_0223.docx; OAR Inputs (final 022520).docx

Goffman, Joseph Calendar

Goffman.Joseph@epa.gov

On Friday, February 26, 2021

Time zone: (UTC-05:00) Eastern Time (US & Canada)

(Adjusted for Daylight Saving Time)

February 2021

Su Mo Tu We Th Fr Sa

		1	2	3	4	5
	7	8	9	10	11	12
	14	15	16	17	18	19
	21	22	23	24	25	26
	28					

☒ Busy
 ☒ Tentative
 ☐ Free
☒ Out of Office
 ☐ Working Elsewhere
 ☐ Outside of Working Hours

February 2021

▲ **Fri, Feb 26**

<input type="checkbox"/>	Before 8:00 AM	Free
<input type="checkbox"/>	8:00 AM – 9:00 AM	Free
<input checked="" type="checkbox"/>	9:00 AM – 11:00 AM	Hold for Moot
<input checked="" type="checkbox"/>	9:30 AM – 10:00 AM	ALI: Meeting with Joe Goffman
<input checked="" type="checkbox"/>	11:00 AM – 11:45 AM	Meeting with Ethics Counsel
<input checked="" type="checkbox"/>	11:45 AM – 12:30 PM	Light-Duty Vehicles Update
<input checked="" type="checkbox"/>	12:30 PM – 1:00 PM	Arkansas Regional Haze First Planning Period (materials attached, 1 doc)
<input checked="" type="checkbox"/>	1:00 PM – 2:00 PM	AIM Act - General Discussion <input type="checkbox"/>
<input type="checkbox"/>	2:00 PM – 2:30 PM	Free
<input checked="" type="checkbox"/>	2:30 PM – 3:00 PM	EPA/WH (materials attached, 1 doc)
<input checked="" type="checkbox"/>	2:30 PM – 3:15 PM	Air Issues Meeting
<input type="checkbox"/>	3:15 PM – 4:00 PM	Free
<input checked="" type="checkbox"/>	4:00 PM – 5:30 PM	General w Carlton, Michal, Joe, Radhika



After 5:30 PM Free

Eunjung Kim
Special Assistant
Office of Air and Radiation
(202) 815-7252

Message

From: Clarke, Victoria [clarke.victoria@epa.gov]
Sent: 1/21/2021 9:23:43 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Thank you, again.

You're too kind. 😊

Going forward, I'll be your POC in OGC Ethics, so I'll be in touch about your recusal statement once I've gotten a look at your public financial disclosure report.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, January 21, 2021 3:00 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: Thank you, again.

Dan's comment just now at the Ethics briefing reminded me that this note of thanks is due to you two as well. Really appreciate all that you have been doing. Thanks.

From: Goffman, Joseph
Sent: Thursday, January 21, 2021 12:11 PM
To: Carr, Dorothy <Carr.Dorothy@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>; Moore, Patricia <Moore.Patricia@epa.gov>; Ballard.Maurice@epa.gov; Williams.ChristineL@epa.gov
Subject: Thank you, again.

Hello. One more time, I want to express my thanks for all the hard work you put in in the last week, including over the weekend, for getting me and so many of my fellow appointees on board yesterday. Because of that we were able to participate in the swearing in ceremony led President Biden yesterday, and I know that that meant a lot to all of us.

All best,
Joe

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 4/6/2021 8:25:21 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]
CC: 'Joseph Goffman' [Goffman.Joseph@epa.gov]; Ex. 6 Personal Privacy (PP); Goffman, Joseph [Goffman.Joseph@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FW: Goffman [Ex. 6 Personal Privacy (PP)]
Attachments: Employee Request Letter - Goffman.doc; Goffman - Restricted Securities details.xlsx

Dear Victoria,

Attached is a draft of the CD letter and requested securities information in excel format for the five account that we manage.

Please advise if these will suffice.

Best,

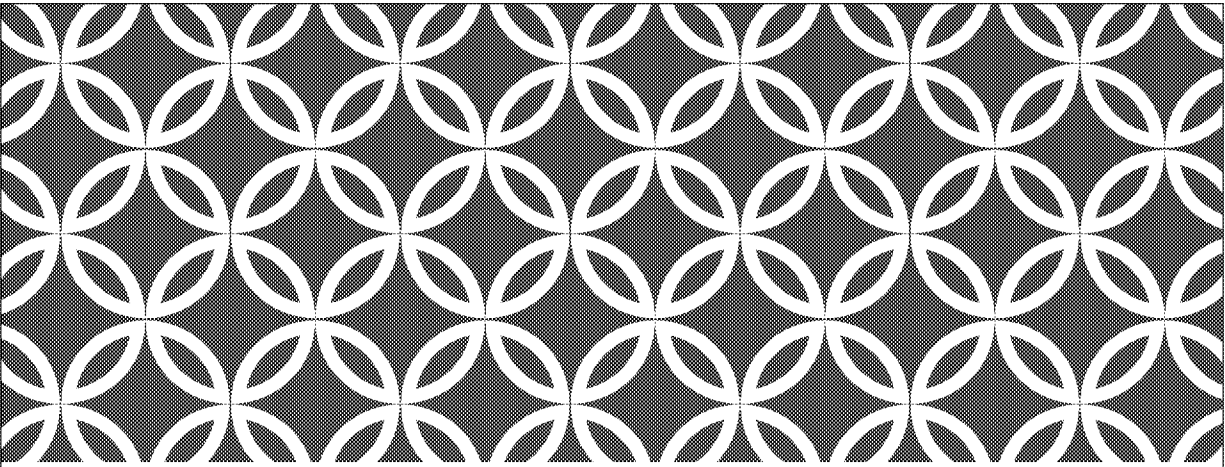
Ex. 6 Personal Privacy (PP)

The contents of this e-mail and any attachments are confidential and for use solely by the intended recipients. If you are not the intended recipient, please notify us immediately by e-mail, and delete the original message. Delivery of this e-mail to any person other than an intended recipient does not waive privilege or confidentiality in any way. This information is for informational purposes only and is not an offer to buy, sell or recommend securities. Ex. 6 Personal Privacy (PP) claims compliance with the Global Investment Performance Standards (GIPS®). A compliant presentation is available at: Ex. 6 Personal Privacy (PP) Past performance is not indicative of future results.

Message

From: Monroe, Scott [Monroe.Scott@epa.gov]
Sent: 4/14/2021 1:20:48 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Kabanda, Thierry [Kabanda.Thierry@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Millett, John [Millett.John@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Subject: Materials for 10:00 Ethics briefing
Attachments: Slide Deck for Principals NO TALKING POINTS.pptx; Staffing a Principal - Ethics Issues.docx; EPA MEETING Information Form.docx; EPA EVENT Information Form.docx; Recusal Stmt_TEC 03_01_21 Signed.pdf

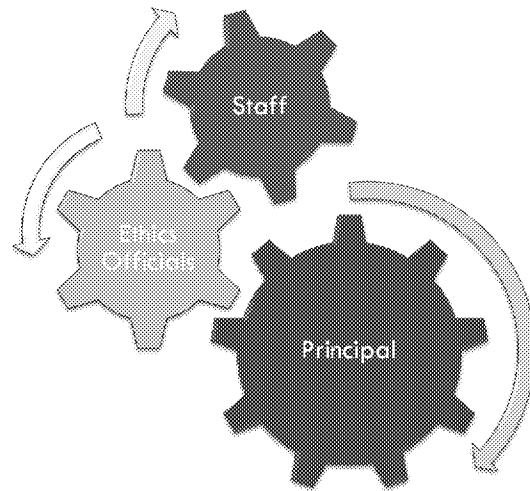
Please find attached materials from OGC that will be referenced during this morning's ethics training.
Scott



EMBEDDING ETHICS INTO THE CALENDARING PROCESS

1

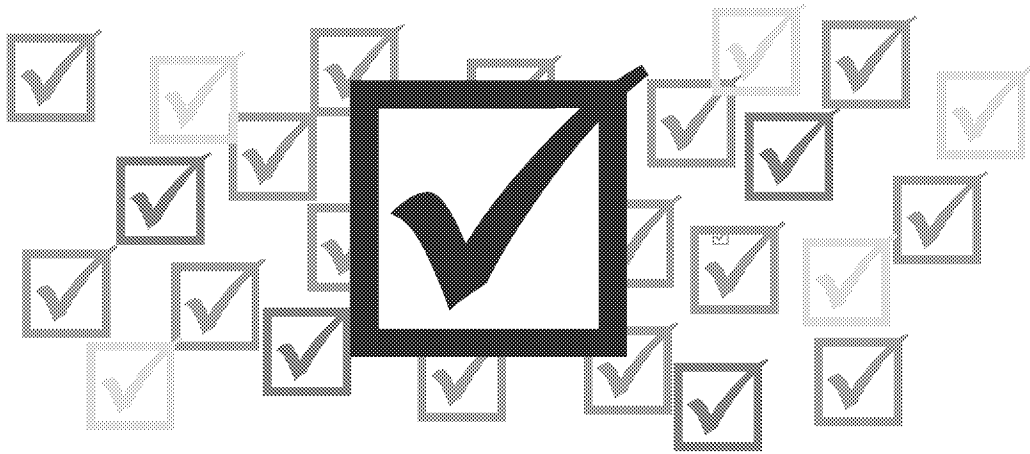
An Overview of Embedding Ethics



Tools

- Event Information Form and Meeting Information Form
- Guidance Documents – updated lobbying gift ban guidance for ethics officials
- Templates – sample advice templates for ethics officials
- Process

When you enter government service . . .



Appearances Matter!

The goal of government ethics is to foster trust and confidence in government and government officials.

We must avoid acting in any way that would even create the appearance of violating the law or any ethical standards.

So what does “ethics” mean for me?

Fourteen Principles of Public Service

All 14 principles are based **a few** fundamental concepts:

1. Avoid **conflicts of interest** (financial and personal)
2. Be a good steward of taxpayer funds
3. Be fair and impartial in making decisions
4. Don't use your job to further personal interests

Conflicts of Interest – the criminal kind

Divided Loyalties. You should never have to choose between:

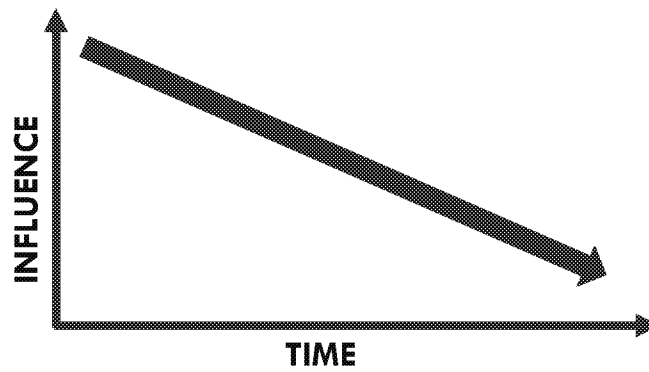
Your Job:

- Constitution
- U.S. Government
- U.S. EPA

Your Life:

- Your financial interests
- Your spouse
- Your minor children
- Your fiduciary responsibilities
- Your future job/employer

Conflicts of Interest – appearance-based



Let's Talk About the “How” of Recusing

Process and **Consistency**
are the key to effective recusals

Your Recusal and Your Calendar

You have ONLY TWO OPTIONS when recusals come up in your calendaring process

1. Ask if it's ethically permissible (since there are some exceptions) if you want to participate
2. Otherwise, forward the communication to your screener indicating you're recused and are forwarding it to him/her for action per your recusal document

You come face-to-face with your Recused

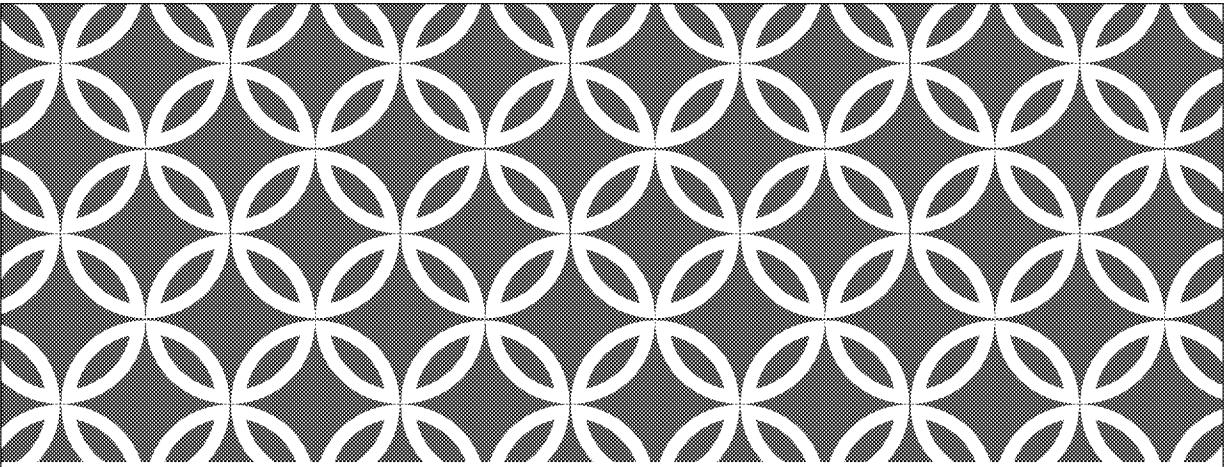
What do you do when...

- You pick up the phone and your recused is on the other line?
- You have friends and colleagues you're social with that are affiliated with your recused?
- You get cornered into a side bar with your recused?

And now a brief word on GIFTS

Let's dispel some common misperceptions:

Misperception	Truth
It's not a gift if it's free to all who attend.	Yes. It is.
It's not a gift if I don't eat or drink.	Yep. It's still a gift.
It's not a gift if I just "drop by" for a few minutes.	Still a gift issue even if you just "drop by."



QUESTIONS?

ETHICS TRAINING FOR EMBEDDING ETHICS INTO THE CALENDARING PROCESS FOR A PRINCIPAL/ IMMEDIATE OFFICE

What are the most common ethics issues that arise when scheduling the Principal?

Gifts

- EPA does not have gift acceptance authority (unless in travel status), so, if the Agency isn't paying for it, it's likely a gift
- Common examples:
 - Transportation not provided by EPA
 - Receptions (even when it's a free to all attendees), meals, entertainment, social events, complimentary/waived attendance fees and/or tickets
 - Awards and/or recognition of public service
 - Dinners/social hospitality at the home of private citizens and/or Ambassadors
- DON'T SOLICIT GIFTS
 - Be careful of the +1
 - Basic etiquette: can't ask if the principal may bring a guest
 - If the invitation is explicit, then follow the invitation; if unclear, an ethics official may step in to clarify with the host if it seems like an event where the invitee may bring a guest
- DISPELLING COMMON MISPERCEPTIONS:

Misperception	Truth
It's not a gift if it's free to all who attend.	Yes. It is.
It's not a gift if I don't eat or drink.	Yep. It's still a gift.
It's not a gift if I just "drop by" for a few minutes.	Still a gift issue even if you just "drop by."

- Only the Ethics Official makes gift determinations

Recusals

- Recusal means no participation
- Keep the memo within easy reach
- Follow the recusal process as described in the memo
- CONSISTENCY of the process, is just as important as the act of recusing

Political Activity (Hatch Act)

- Political activity is any activity directed toward the success or failure of a partisan candidate, political party or partisan political group
- When a partisan candidate, party, or political group requests the official at an event, ethics officials must be brought in immediately to consult whether the event is acceptable because violations of the Hatch Act bring severe, even criminal, consequences – early consultation required
- Common examples:
 - Democratic/Republican National Committees
 - Democratic/Republican Governors' Associations
 - Any incumbent running as a candidate in a partisan political contest including state/local levels
 - Political Action Groups (e.g., Emily's List)
- Excludes: Incumbents acting in official government capacities

Fundraisers

- Oftentimes, an official may be asked to keynote gala fundraising events. Official speech is permissible, but the event must be appropriate for official agency speech
- Oftentimes, an official may be a recipient of an award presented at the annual gala fundraising event. Acceptance of the award is subject to determination by ethics official
- Oftentimes, the host may want an official to participate in other, visible ways at a fundraising event – doing so in an official capacity is prohibited
- Fundraising events are tricky; close coordination with ethics official ensures smooth planning

Endorsements

- Employees may not endorse any product, service or enterprise
- Beware of photo ops where the hosts asks the EPA official to don an item blazoned with the company's name or logo – this creates an appearance that the Agency sanctions/endorses it – do not do it
- Beware the host that uses the official's attendance to increase registration for the event. Factual information about our employee's participation is fine, but using our employee to drive up attendance is not
- Beware of events where awards are presented. The host may ask the EPA employee to present the award, introduce the award winner, take pictures with the award recipients. These are not EPA's awards, so participating in the awards presentation brings up endorsement concerns
- Just because our official is participating in the host's event does not mean the host can use the EPA logo to advertise the event. Hosts may not use the EPA logo except in rare instances (e.g., the EPA is actually sponsoring the event and is documented; sending speakers to events does not mean the agency is sponsoring the event)

Financial Disclosure

- Gifts accepted pursuant to ethics guidance may require reporting on financial disclosure forms

What drives the outcome of ethics advice?

Presumption of Official Duty (vs. personal capacity)

- Presumption that all events on the schedule are official duty
- For PAS officials, they're not subject to a leave system, theoretically on-duty 24/7 (24 hours a day/7 days a week)
- For non-career SESers, subject to leave
- Presumption is official duty; if it's not official duty, then determination needs to be made when considering whether to add something to the schedule – there are ethics implications and determinations made at the beginning that cannot change if the official decides to switch to personal capacity → DISTINCTION IS CRITICAL AT TIME CONSIDERING THE REQUEST
- The ethics official must be consulted when considering whether something is done in a personal capacity because those determinations drive how the activity can be done

Role of the Principal

- Official's role at the event determines outcome of ethics advice (among other factors, but this is key)
- Types of roles:
 - Mere attendance (e.g., just being asked to attend and not do anything)
 - Brief or informal remarks or drop-bys
 - Official speech (e.g., keynotes, panels, roundtable discussion)
 - Other active or visible participation (e.g., guest judging a science competition)
- Clarify whether official will participate in other portions of the event (e.g., Reception held at the end of the day? attending other days of the conference? speaker's dinner the night before event?)

Who is inviting vs. who is organizing vs. who is hosting

- A factor that can change the ethics answer, it's important we understand who is inviting the official and whether that same person is also hosting the event.

Lobbying Organizations/Lobbyists

- An event hosted by a lobbyist may be a gift and impermissible

Travel Status (Official Duty)

- Foreign Travel presents more gift issues (gifts between foreign governments, cultural tours), share detailed scheduled with OGC/Ethics (OGC/Ethics will also coordinate with OITA for big international delegations)
- Accept gifts of travel expenses via the ethics travel form (must be done in advance)

What event parameters are important to keep in mind when scheduling the Principal?

EPA Organized Events

- When EPA is hosting the event, we control the event

Hosted Events

- If we are sending an official to the event, EPA cannot play "host." The host's event is its event, and EPA will not dictate how the event will be structured, who will be invited, etc.
- However, we can provide guidelines/parameters for our official's attendance.
- Beware of the host who says, "We just want to do an event with the Principal and we'll do anything you want." It's the host who organizes and provides structure for the event. It's EPA's decision about whether it will participate in the event according to our parameters.

Best Practices & Procedures

- Use an Event Information Form or Meeting Information Form and have the requestor complete the form, regardless of the event (see model templates, attached)
- Ideas for incorporating ethics review into the event clearance process
- Consider a permanent email address for initial communications with requestors (e.g., [[HYPERLINK "mailto:scheduling@epa.gov"](mailto:scheduling@epa.gov)]) to mitigate need to change email addresses as the staff roles change during their EPA tenure
- Consider whether you want to clear communications the host wants to send out about the event that features the EPA Employee
- When working with your ethics official:
 - Use unique subject lines for each vetting request (i.e. don't use the generic "for your review")
 - Flag requests that require immediate attention
 - Helpful to know which events are under serious consideration
 - Follow through on the advice – designate a staffer to work with the ethics official when the event requires more ethics follow up
 - Share the entire email thread and other event documents (e.g., invitation letter, event request form) with the ethics official – facts/context matter
 - Share the travel line-by-line document with the ethics official, once travel is imminent so ethics official can review for any final issues and to coordinate with other ethics officials as needed
 - Political invitations need to be vetted by OGC/Ethics regardless of the principal BEFORE any employee can do any staffing
- Get the most out of your career staff! We're here to support what you want to accomplish!
 - Standing Meetings: consider inviting your travel coordinator and/or ethics official to attend
 - Provide information as far in advance as possible

Expectations for Vetting Requests

Embed ethics into the review of the following:

- 1) any external (to the agency) event the principal is seriously considering prior to confirmation of attendance;
- 2) EPA-hosted meetings at which external parties are present; and
- 3) the travel line-by-line document (essentially, a detailed travel itinerary) when the principal is in travel status.



NAME OF EPA EMPLOYEE AND/OR OFFICE MEETING INFORMATION FORM

This form assists in planning participation in meetings. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Meeting Logistics

Requesting individual/organization:	(Please identify the person(s) (name and affiliation) requesting the meeting, including any background information on the affiliated organization(s).)
Contact information:	Name, Email, Phone
Describe the proposed meeting topic/ agenda, provide available briefing materials	
Describe the action sought from the meeting and/or identify desired outcome(s) :	
Meeting date (if date is flexible please indicate the range):	
Please explain any time sensitivity that impacts the date of the meeting, such as court-ordered or statutory deadline:	
Proposed meeting location:	Virtual? EPA building? Other location (city, state)?
Who is the EPA employee requested to attend? If unable to meet, is a surrogate desired? If yes, who specifically?	

Meeting Participants

Expected meeting participants:	(name, title, and organizational affiliation)
Are any expected meeting participants federally registered lobbyists or lobbying organizations? (If yes, please identify.)	
Are any expected meeting participants a partisan political candidate, a representative of a political party or a registered political action committee (PAC)? (If yes, please identify.)	



NAME OF EPA EMPLOYEE AND/OR OFFICE MEETING INFORMATION FORM

This form assists in planning participation in meetings. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Do any expected meeting participants seek or currently have any business interests with the Agency such as permits, contracts, litigation, grants, etc.? (If yes, please identify.)

Background for the Meeting

Will the meeting involve legislation, broad policy options, or other general matters that involve a large and diverse range of persons and interests? (If yes, please describe.)

Will the meeting involve regulations, rules, or other matters that impact a specific industry, sector of the economy, or group of persons? (If yes, please describe.)

Will the meeting involve a litigation matter, a permit, a grant, a contract, or any other matter that involves specific parties? (If yes, please identify the matter and list the specific parties.)

Any additional notes or information?

Technology for Virtual Meetings

Preferred Virtual Meeting Platform?

Do you use Microsoft Teams?

Please return this completed form to INSERT NAME at [[HYPERLINK "mailto:INSERT%20EMAIL@epa.gov"](mailto:INSERT%20EMAIL@epa.gov)].



NAME OF EMPLOYEE AND/OR OFFICE EVENT INFORMATION FORM

This form assists in planning participation in events and activities. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Basic Background

Event Title:	
Event Host(s)/Organizer(s):	<i>List all hosts organizing the event</i>
Event Date (Flexible?):	
Time, Time zone, & Duration of event participation:	<i>E.g., 12:00pm through 3:00pm, Central Time</i>
Deadline for Acceptance:	
Employee requested? Will you accept a surrogate?	
Event Location:	<i>E.g., ABC Convention Center, Baltimore, MD</i>
Type of Event:	<i>Reception; Conference; Meeting; Recorded/Streaming audio or video, etc.</i>
Host(s) relationship to the EPA?	

Event Description and Role of the EPA Official

Purpose of Event:	
Brochure / website / invitation / and/or other event materials	<i>List here or provide separately in response</i>
Run of Show / Agenda:	<i>Provide full agenda of event, including events immediately before/following the EPA official's participation</i>
Role of the EPA official at the event:	<i>Attendance only? Panel presentation? Speaker? Participating in press conference? Touring a facility? Etc.</i>
Requested Presentation Topic (if speaking):	
Requested Presentation Format:	<i>Keynote, panel, Q&A, introduction, fireside chat, etc.</i>
Name of Person Introducing EPA Official:	
Audience make up?	<i>Size of audience and brief description. E.g., 100 expected in attendance made up of attorneys, business owners, students, industry, employees, etc.</i>
Event open to press?	
Event held Weekly, monthly, annually?	

Event Preparation

Other EPA speakers?	<i>Name and titles of EPA personnel</i>
Does EPA need to submit materials prior to event?	<i>Registration Form? Biography? Picture? Copy of presentation, speaker release form, etc?</i>
Expected prep and timing for prep calls or meetings:	



NAME OF EMPLOYEE AND/OR OFFICE EVENT INFORMATION FORM

This form assists in planning participation in events and activities. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Registration Fee Charged? How Much?	
Describe entity hosting EPA official:	<i>Private company; 501(c)(3); 501(c)(4); 501(c)(6); 527 Political Action Committee; academic institution; etc.</i>
Is the entity also a Federally Registered Lobbyist?	<i>Yes / No</i>
Are you giving a gift, award or anything else of value? Amount?	<i>E.g., Speaker or courtesy gift; award; plaque; travel support (hotel, transportation, etc.) etc., + description and value</i>
Are you providing a meal? Amount?	

At the Event and Other Event Logistics

Is there a Hold Room Available for the EPA employee?	
Open Press/Closed Press?	
Person to contact for media purposes:	<i>Name & Title; Email; Office Number, Cell Number</i>
Dress Code:	<i>Casual/Business/Black Tie Optional/Black Tie/Etc.</i>
Room setup:	<i>What kind of microphone? What is the room setup?</i>
Notable/Honorable Guests Attending (including elected officials):	
Are you recording the event? Website URL for Recording (if event is recorded and posted)	
Directions to event (include relevant information about parking, the specific building, best entrance to use)	
Where to meet contact:	

Contact Information

Your Name and Position	
Phone (best & alternate)	
Email Address	
Mailing Address	
Are you the point-of-contact at the event? If not, contact details:	

*Please return this completed form to **INSERT NAME** at [[HYPERLINK "mailto:INSERT%20EMAIL@epa.gov"](mailto:INSERT%20EMAIL@epa.gov)].*

Message

From: Clarke, Victoria [clarke.victoria@epa.gov]
Sent: 5/12/2021 2:53:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Ex. 6 Personal Privacy (PP)
Subject: RE: Ex. 6 Personal Privacy (PP) Documents

That's perfect, Joe, thank you!

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, May 12, 2021 10:50 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: Ex. 6 Personal Privacy (PP) Documents

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

From: Clarke, Victoria [clarke.victoria@epa.gov]
Sent: 5/13/2021 1:27:54 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Ex. 6 Personal Privacy (PP)
Subject: RE: Ex. 6 Personal Privacy (PP) Email of a minute ago

Yes, I'll respond.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, May 13, 2021 9:20 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: Ex. 6 Personal Privacy (PP) Email of a minute ago

Hi, Victoria. Would it be appropriate to ask you to respond by email or a phone call with her? You're in a better position to explain OGE's thinking and requirements – and heaven knows you have the superior patience. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
 - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
 - (b) participate in the specific issue area in which that particular matter falls; or
 - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Signature _____

_____, 20____
Date

Name (Type or Print): _____

Ethics Briefing

1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

Jim Payne Designated Agency Ethics Official (202) 564-0212 payne.james@epa.gov	
Justina Fugh Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 fugh.justina@epa.gov	
Shannon Griffo Ethics Attorney (202) 564-7061 griffo.shannon@epa.gov	Margaret Ross Ethics Officer (202) 564-3221 ross.margaret@epa.gov
Jennie Keith Ethics Officer (202) 564-3412 keith.jennie@epa.gov	Victoria Clarke Ethics Attorney 202-564-1149 clarke.victoria@epa.gov
Ferne Mosley Ethics Attorney (202) 564-8046 mosley.ferne@epa.gov	OGC/Ethics All Staff and Helpline (202) 564-2200 ethics@epa.gov

You can also visit the [OGC/Ethics SharePoint site](#) for more information.

2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your basic obligation of public service that we'll address in this briefing material.

3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

If you were a federally registered lobbyist or registered foreign agent in the past 2 years:

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.
- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

While you are a federally employee:

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.
- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.
 - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).
- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.
- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

When you leave federal service, you are agreeing to the following:

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.
- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.
- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.
- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

4. Financial Disclosure Reporting

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over \$1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

5. Attorney Client Privilege & FOIA

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

6. Conflicts of Interest

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially in any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

7. Appearance of a Loss of Impartiality

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

8. No representation back to the federal government

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

9. Acceptance of Gifts

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

10. Attendance at Widely-Attended Gatherings (ethics check required)

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

IMPORTANT NOTE about Embedding Ethics into Your Calendaring Process

Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

11. Travel Issues

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Prior to the pandemic, OGC/Ethics accepted over \$1 million each year in discretionary travel paid by non-federal sources.

12. Preferential Treatment of Non-Federal Entities (Endorsement)

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

13. Political Activities

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

14. Lobbying Issues

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal.

EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

15. Use of Government Personnel and Resources

EPA policy permits employees to “limited use” of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s Limited Personal Use of Government Equipment Policy. Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

16. Outside Activities

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency’s ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA’s Supplemental Ethics Regulations at 5 C.F.R. § 6401.103. Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA’s general subject matter area, industry, or economic sector primarily affected by EPA’s programs and operations. 5 C.F.R. § 2635.807(a)(2)(i)(E)(3).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is \$29,595. See 5 C.F.R. § 2635.804(b) and 5 C.F.R. § 2636.304. This amount changes each year;
- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to 5 C.F.R. § 2635.804(b) and 5 C.F.R. § 2636.305;
- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. See 5 C.F.R. § 2636.306; and
- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). See 5 C.F.R. § 2636.307.

17. Ethics Obligations of Supervisors

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at 5 C.F.R. § 2638.103:

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the Standards of Conduct and that subordinates know how to contact agency ethics officials. Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at ethics@epa.gov.

18. Seeking Employment

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

19. Negotiating for Employment

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.

20. Post-Government Employment - Representational Restrictions

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

Lifetime bar - on particular matters that you worked on

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back" means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

2-year bar - on EPA matters pending during your last year in federal service

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

Senior Employee "cooling off restriction" – on any matter

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is \$172,395 per year (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

January 22, 2021

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh
Date: 2021.01.22 12:07:49
-05'00'
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at www.oge.gov.

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.³ **Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The <i>earlier of</i> 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name	Your telephone number*	Date negotiation or agreement began
Your Title / Office / AAship or Region	Your email address*	Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

** Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?
See page 2.

For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.

Sign and submit to ethics@epa.gov:

Your signature

OGC/Ethics Use Only:

Last Updated: November 2020

ED_006623C_00000265-00001

Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

EPA Ethics Program

Counseling Practice Area:

Vetting Invitations

Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ♦ Gifts ♦ Fundraising ♦ Political Activity ♦ Endorsements
President's Ethics Pledge ♦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

When:

Upon the appointee's start of EPA service

Where:

Through coordination in the principal's front office and immediate staff

Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.

Executive Order on Ethic Commitments by Executive Branch Personnel

JANUARY 20, 2021 • PRESIDENTIAL ACTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban — All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

- (iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.
- (d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.
- (e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.
- (f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.
- (g) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.
- (h) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.
- (i) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.
- (j) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.
- (k) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.
- (l) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service

provided was limited to speeches or similar appearances. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

- (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;
- (ii) the uniqueness of the individual's qualifications to meet the government's needs;
- (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and
- (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

- (i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;
- (ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;
- (iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and
- (iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

- (i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;
- (ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and
- (iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:
 - (A) to carry out the foregoing responsibilities;
 - (B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;
 - (C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;
 - (D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;
 - (E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;
- (iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and
- (v) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 20, 2021.

Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDED-RAKOSNIK, D]
on behalf of Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 2/24/2021 9:00:22 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Meeting with Ethics Counsel
Attachments: Meeting with Ethics Counsel Thursday or Friday
Location: Microsoft Teams Meeting
Start: 2/26/2021 4:00:00 PM
End: 2/26/2021 4:45:00 PM
Show Time As: Busy

Required Attendees: Clarke, Victoria; Fugh, Justina



Meeting with
Ethics Counsel T...

Microsoft Teams meeting

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Ex. 6 Personal Privacy (PP) United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

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Message

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 2/24/2021 5:46:20 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Meeting with Ethics Counsel Thursday or Friday

Delaney – Please see if we can schedule a meeting with Victoria (and Justina if she wants to be included) for tomorrow or Friday. My understanding is that Victoria is on an 8-12 schedule the next two days (and next week), so we should accommodate that, of course, by moving other meetings on my schedule. Many thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Appointment

From: Kabanda, Thierry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1A9A772E3C946CB99A35DA45F43DE6C-KABANDA, TH]
on behalf of Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 3/26/2021 6:55:15 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Millett, John [Millett.John@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Monroe, Scott [Monroe.Scott@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Kabanda, Thierry [Kabanda.Thierry@epa.gov]; Keith, Jennie [Keith.Jennie@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
Subject: Ethics Training for OAR Front Office
Attachments: Ethics Training for OAR Front Office
Location: Microsoft Teams Meeting
Start: 4/14/2021 2:00:00 PM
End: 4/14/2021 3:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eun; Shaw, Betsy; Campbell, Ann; Millett, John; DeLuca, Isabel; Monroe, Scott; Rakosnik, Delaney; Kabanda, Thierry; Keith, Jennie; Griffo, Shannon; Clarke, Victoria



Ethics Training for
OAR Front Office

Microsoft Teams meeting

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Ex. 6 Personal Privacy (PP) United States, Washington DC

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Message

From: Monroe, Scott [Monroe.Scott@epa.gov]
Sent: 3/26/2021 6:39:16 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Kabanda, Thierry [Kabanda.Thierry@epa.gov]
Subject: Ethics Training for OAR Front Office
Attachments: 6. Embedding Ethics One-Pager v2.pdf; EPA MEETING Information Form - DRAFT Administrator Template.docx; EPA EVENT Information Form - DRAFT Administrator Template.docx; Staffing a Principal - Ethics Issues.docx

Hi Ann,

OGC Ethics requested a training session (via Teams) with the OAR front office to review ethics rules for recusals, gifts, events, and travel. They asked for a one-hour period any day from April 5 to April 16.

Two of the attachments will give you a sense of the subject matter. The two information forms are FYI and optional, as suggestions from OGC about how to incorporate ethics matters into meeting requests. You do not need to do anything with the attachments, they're just background.

Participants are listed below.

OAR: Joe Goffman, Alejandra Nunez, Tomas Carbonell, Eun Kim, Betsy Shaw, Ann Ferrio, Delaney Rakosnik, Thierry Kabanda, John Millet, Isabel DeLuca, Scott Monroe

OGC: Jennie Keith, Shannon Griffo, Victoria Clarke

Please contact me if you have questions about this request.

Scott Monroe
Program Management Official
Office of Air and Radiation (6101A)
WJC North Room 5435A
Tel: (202) 564-1271



DRAFT EPA ADMINISTRATOR MEETING INFORMATION FORM

This form assists in planning participation in meetings. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Meeting Logistics

Requesting individual/organization:	(Please identify the person(s) (name and affiliation) requesting the meeting, including any background information on the affiliated organization(s).)
Contact information:	Name, Email, Phone
Describe the proposed meeting topic/ agenda, provide available briefing materials	
Describe the action sought from the meeting and/or identify desired outcome(s) :	
Meeting date (if date is flexible please indicate the range):	
Please explain any time sensitivity that impacts the date of the meeting, such as court-ordered or statutory deadline:	
Proposed meeting location:	Virtual? EPA building? Other location (city, state)?
If the Administrator is unable to meet, is a surrogate desired? If yes, who specifically?	

Meeting Participants

Expected meeting participants:	(name, title, and organizational affiliation)
Are any expected meeting participants federally registered lobbyists or lobbying organizations? (If yes, please identify.)	
Are any expected meeting participants a partisan political candidate, a representative of a political party or a registered political action committee (PAC)? (If yes, please identify.)	



DRAFT EPA ADMINISTRATOR MEETING INFORMATION FORM

This form assists in planning participation in meetings. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Do any expected meeting participants seek or currently have any business interests with the Agency such as permits, contracts, litigation, grants, etc.? (If yes, please identify.)

Background for the Meeting

Will the meeting involve legislation, broad policy options, or other general matters that involve a large and diverse range of persons and interests? (If yes, please describe.)

Will the meeting involve regulations, rules, or other matters that impact a specific industry, sector of the economy, or group of persons? (If yes, please describe.)

Will the meeting involve a litigation matter, a permit, a grant, a contract, or any other matter that involves specific parties? (If yes, please identify the matter and list the specific parties.)

Any additional notes or information?

Technology for Virtual Meetings

Preferred Virtual Meeting Platform?

Do you use Microsoft Teams?

Please return this completed form to INSERT NAME at [[HYPERLINK "mailto:INSERT%20EMAIL@epa.gov"](mailto:INSERT%20EMAIL@epa.gov)].



DRAFT EPA ADMINISTRATOR EVENT INFORMATION FORM

This form assists in planning participation in events and activities. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Basic Background

Event Title:	
Event Host(s)/Organizer(s):	<i>List all hosts organizing the event</i>
Event Date (Flexible?):	
Time & Duration of event participation:	<i>E.g., 12:00pm through 3:00pm</i>
Deadline for Acceptance:	
Will you accept a surrogate?	
Event Location:	<i>E.g., ABC Convention Center, Baltimore, MD</i>
Type of Event:	<i>Reception; Conference; Meeting; Recorded/Streaming audio or video, etc.</i>
Host(s) relationship to the EPA?	

Event Description and Role of the EPA Official

Purpose of Event:	
Brochure / website / invitation / and/or other event materials	<i>List here or provide separately in response</i>
Run of Show / Agenda:	<i>Provide full agenda of event, including events immediately before/following the EPA official's participation</i>
Role of the EPA official at the event:	<i>Attendance only? Panel presentation? Speaker? Participating in press conference? Touring a facility? Etc.</i>
Requested Presentation Topic (if speaking):	
Requested Presentation Format:	<i>Keynote, panel, Q&A, introduction, fireside chat, etc.</i>
Name of Person Introducing EPA Official:	
Audience make up?	<i>Size of audience and brief description. E.g., 100 expected in attendance made up of attorneys, business owners, students, industry, employees, etc.</i>
Event open to press?	
Event held Weekly, monthly, annually?	

Event Preparation

Other EPA speakers?	<i>Name and titles of EPA personnel</i>
Does EPA need to submit materials prior to event?	<i>Registration Form? Biography? Picture? Copy of presentation, speaker release form, etc?</i>



DRAFT EPA ADMINISTRATOR EVENT INFORMATION FORM

This form assists in planning participation in events and activities. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Expected prep and timing for prep calls or meetings:	
Registration Fee Charged? How Much?	
Describe entity hosting EPA official:	<i>Private company; 501(c)(3); 501(c)(4); 501(c)(6); 527 Political Action Committee; academic institution; etc.</i>
Is the entity also a Federally Registered Lobbyist?	<i>Yes / No</i>
Are you giving a gift, award or anything else of value? Amount?	<i>E.g., Speaker or courtesy gift; award; plaque; travel support (hotel, transportation, etc.) etc., + description and value</i>
Are you providing a meal? Amount?	

At the Event and Other Event Logistics

Is there a Hold Room Available for the Administrator?	
Open Press/Closed Press?	
Person to contact for media purposes:	<i>Name & Title; Email; Office Number, Cell Number</i>
Dress Code:	<i>Casual/Business/Black Tie Optional/Black Tie/Etc.</i>
Room setup :	<i>What kind of microphone? What is the room setup?</i>
Notable/Honorable Guests Attending (including elected officials):	
Are you recording the event? Website URL for Recording (if event is recorded and posted)	
Security Contact:	<i>Name & Title; Email; Office Number, Cell Number</i>
Directions to event (include relevant information about parking, the specific building, best entrance to use)	



DRAFT EPA ADMINISTRATOR EVENT INFORMATION FORM

This form assists in planning participation in events and activities. Please be complete to minimize need for follow up. This is not a confirmation of attendance.

Where to meet contact:

Contact Information

Your Name and Position

Phone (best & alternate)

Email Address

Mailing Address

Are you the point-of-contact at the event? If not, contact details:

Please return this completed form to INSERT NAME at [[HYPERLINK "mailto:INSERT%20EMAIL@epa.gov"](mailto:INSERT%20EMAIL@epa.gov)].

ETHICS TRAINING FOR EMPLOYEES STAFFING A PRINCIPAL

What are the most common ethics issues that arise when scheduling the Principal?

Gifts

- EPA does not have gift acceptance authority (unless in travel status), so, if the Agency isn't paying for it, it's likely a gift
- Common examples:
 - Transportation not provided by EPA
 - Receptions (even when it's a free to all attendees), meals, entertainment, social events, complimentary/waived attendance fees and/or tickets
 - Awards and/or recognition of public service
 - Dinners/social hospitality at the home of private citizens and/or Ambassadors
- DON'T SOLICIT GIFTS
 - Be careful of the +1
 - Basic etiquette: can't ask if the principal may bring a guest
 - If the invitation is explicit, then follow the invitation; if unclear, an ethics official may step in to clarify with the host if it seems like an event where the invitee may bring a guest
- DISPELLING COMMON MISPERCEPTIONS:

Misperception	Truth
It's not a gift if it's free to all who attend.	Yes. It is.
It's not a gift if I don't eat or drink.	Yep. It's still a gift.
It's not a gift if I just "drop by" for a few minutes.	Still a gift issue even if you just "drop by."

- Only the Ethics Official makes gift determinations

Recusals

- Recusal means no participation
- Keep the memo within easy reach
- Follow the recusal process as described in the memo
- CONSISTENCY of the process, is just as important as the act of recusing

Political Activity (Hatch Act)

- Political activity is any activity directed toward the success or failure of a partisan candidate, political party or partisan political group

- When a partisan candidate, party, or political group requests the official at an event, ethics officials must be brought in immediately to consult whether the event is acceptable because violations of the Hatch Act bring severe, even criminal, consequences – early consultation required
- Common examples:
 - Democratic/Republican National Committees
 - Democratic/Republican Governors' Associations
 - Any incumbent running as a candidate in a partisan political contest including state/local levels
 - Political Action Groups (e.g., Emily's List)
- Excludes: Incumbents acting in official government capacities

Fundraisers

- Oftentimes, an official may be asked to keynote gala fundraising events. Official speech is permissible, but the event must be appropriate for official agency speech
- Oftentimes, an official may be a recipient of an award presented at the annual gala fundraising event. Acceptance of the award is subject to determination by ethics official
- Oftentimes, the host may want an official to participate in other, visible ways at a fundraising event – doing so in an official capacity is prohibited
- Fundraising events are tricky; close coordination with ethics official ensures smooth planning

Endorsements

- Employees may not endorse any product, service or enterprise
- Beware of photo ops where the hosts asks the EPA official to don an item blazoned with the company's name or logo – this creates an appearance that the Agency sanctions/endorses it – do not do it
- Beware the host that uses the official's attendance to increase registration for the event. Factual information about our employee's participation is fine, but using our employee to drive up attendance is not
- Beware of events where awards are presented. The host may ask the EPA employee to present the award, introduce the award winner, take pictures with the award recipients. These are not EPA's awards, so participating in the awards presentation brings up endorsement concerns
- Just because our official is participating in the host's event does not mean the host can use the EPA logo to advertise the event. Hosts may not use the EPA logo except in rare instances (e.g., the EPA is actually sponsoring the event and is documented; sending speakers to events does not mean the agency is sponsoring the event)

Financial Disclosure

- Gifts accepted pursuant to ethics guidance may require reporting on financial disclosure forms

What drives the outcome of ethics advice?

Presumption of Official Duty (vs. personal capacity)

- Presumption that all events on the schedule are official duty
- For PAS officials, they're not subject to a leave system, theoretically on-duty 24/7 (24 hours a day/7 days a week)
- For non-career SESers, subject to leave
- Presumption is official duty; if it's not official duty, then determination needs to be made when considering whether to add something to the schedule – there are ethics implications and determinations made at the beginning that cannot change if the official decides to switch to personal capacity → DISTINCTION IS CRITICAL AT TIME CONSIDERING THE REQUEST
- The ethics official must be consulted when considering whether something is done in a personal capacity because those determinations drive how the activity can be done

Role of the Principal

- Official's role at the event determines outcome of ethics advice (among other factors, but this is key)
- Types of roles:
 - Mere attendance (e.g., just being asked to attend and not do anything)
 - Brief or informal remarks or drop-bys
 - Official speech (e.g., keynotes, panels, roundtable discussion)
 - Other active or visible participation (e.g., guest judging a science competition)
- Clarify whether official will participate in other portions of the event (e.g., Reception held at the end of the day? attending other days of the conference? speaker's dinner the night before event?)

Who is inviting vs. who is organizing vs. who is hosting

- A factor that can change the ethics answer, it's important we understand who is inviting the official and whether that same person is also hosting the event.

Lobbying Organizations/Lobbyists

- An event hosted by a lobbyist may be a gift and impermissible

Travel Status (Official Duty)

- Foreign Travel presents more gift issues (gifts between foreign governments, cultural tours), share detailed scheduled with OGC/Ethics
- Accept gifts of travel expenses via the ethics travel form (must be done in advance)

What event parameters are important to keep in mind when scheduling the Principal?

EPA Organized Events

- When EPA is hosting the event, we control the event

Hosted Events

- If we are sending an official to the event, EPA cannot play "host." The host's event is its event, and EPA will not dictate how the event will be structured, who will be invited, etc.
- However, we can provide guidelines/parameters for our official's attendance.
- Beware of the host who says, "We just want to do an event with the Administrator and we'll do anything you want." It's the host who organizes and provides structure for the event. It's EPA's decision about whether it will participate in the event according to our parameters.

Best Practices & Procedures

- Centralized v. Decentralized Office of Scheduling and Advance
- Staffing the Office of Scheduling and Advance
- Use an Event Information Form or Meeting Information Form and have the requestor complete the form, regardless of the event (see model templates, attached)
- Consider an Internal Request Form for internal events organized by EPA
- Consider a permanent email address for initial communications with requestors (e.g., [[HYPERLINK "mailto:scheduling@epa.gov"](mailto:scheduling@epa.gov)]) to mitigate need to change email addresses as the staff roles change during their EPA tenure
- Consider whether you want to clear communications the host wants to send out about the event that features the EPA Administrator
- When working with your ethics official:
 - Use unique subject lines for each vetting request (i.e. don't use the generic "for your review")
 - Flag requests that require immediate attention
 - Helpful to know which events are under serious consideration
 - Follow through on the advice – designate a staffer to work with the ethics official when the event requires more ethics follow up
 - Share the entire email thread and other event documents (e.g., invitation letter, event request form) with the ethics official – facts/context matter
 - Share the travel line-by-line document with the ethics official, once travel is imminent so ethics official can review for any final issues and to coordinate with other ethics officials as needed
 - Political invitations need to be vetted by OGC/Ethics regardless of the principal BEFORE any employee can do any staffing
- Get the most out of your career staff! We're here to support what you want to accomplish!
 - Standing Meetings: consider inviting your travel coordinator and/or ethics official to attend
 - Provide information as far in advance as possible

Expectations for Vetting Requests

Embed ethics into the review of the following:

- 1) any external (to the agency) event the principal is seriously considering prior to confirmation of attendance;
- 2) EPA-hosted meetings at which external parties are present; and
- 3) the travel line-by-line document (essentially, a detailed travel itinerary) when the principal is in travel status.

Message

Sent: 9/17/2021 4:29:03 AM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Clarke, Victoria [clarke.victoria@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
Subject: FW: Please call me [Ex. 6 Personal Privacy (PP)] Thanks.

Justina – The email below from Victoria is the one I referred to in my email to you of 12:14. Although I do not recall circling back to Victoria after receiving her email, what I did do is go to this OGE document:

[https://www.oge.gov/web/OGE.nsf/0/3FAD0A7A60592E48852585B6005A1BD4/\\$FILE/HO_Eisner_Nettlesome.pdf](https://www.oge.gov/web/OGE.nsf/0/3FAD0A7A60592E48852585B6005A1BD4/$FILE/HO_Eisner_Nettlesome.pdf)

I suspect that you are familiar with it – and that you can see how I interpreted Victoria’s conclusion that the multi-sector AIM Act rulemaking was a “matter” as opposed to a “matter of general applicability” meant that the multi-sector phasedown rule did not create a conflict.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, June 22, 2021 1:13 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Please call me [Ex. 6 Personal Privacy (PP)] Thanks.

Hi Joe,

Just wanted to circle up with you about the AIM Act. Taking a look at the [NAICS industry descriptions](#), this is definitely industry and sector diverse, which puts it into the category of a “matter” rather than a “matter of general applicability.” The affected industries as a result of the AIM Act are not just entities that manufacture refrigerants, but also includes anyone that uses them, which includes oil and gas, chemicals, pharmaceuticals, building materials, aerospace and defense, marine transport, motor vehicles, refrigerants, grocery stores... it is a very long list.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, June 21, 2021 12:49 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Please call me [Ex. 6 Personal Privacy (PP)] Thanks.

Joseph Goffman

Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

Sent: 3/11/2022 6:32:21 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
CC: [REDACTED] **Ex. 6 Personal Privacy (PP)**
Subject: Transactions Refresher

Hi, Shannon.

Hope you're doing well. This is probably a good juncture to refresh and confirm how we should operate going forward in terms of the family's investments and assets. First, [REDACTED] **Ex. 5 Deliberative Process (DP)**

[REDACTED] **Ex. 5 Deliberative Process (DP)**

Second, [REDACTED] **Ex. 5 Deliberative Process (DP)**

[REDACTED] **Ex. 5 Deliberative Process (DP)**

Thanks for considering. Have a good weekend.

Best,
Joe

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 3/26/2021 6:55:38 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Millett, John [Millett.John@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Monroe, Scott [Monroe.Scott@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Kabanda, Thierry [Kabanda.Thierry@epa.gov]; Keith, Jennie [Keith.Jennie@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
Subject: Ethics Training for OAR Front Office
Attachments: Ethics Training for OAR Front Office
Location: Microsoft Teams Meeting
Start: 4/14/2021 2:00:00 PM
End: 4/14/2021 3:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eun; Shaw, Betsy; Campbell, Ann; Millett, John; DeLuca, Isabel; Monroe, Scott; Rakosnik, Delaney; Kabanda, Thierry; Keith, Jennie; Griffo, Shannon; Clarke, Victoria



Ethics Training for
OAR Front Office

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

Ex. 6 Personal Privacy (PP) United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

[Find a local number](#) | [Reset PIN](#)

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Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 8/17/2021 2:29:18 PM
To: OGC Ethics [OGC_Ethics@epa.gov]
Subject: 10:30AM - AGENDA for Staff Meeting
Attachments: Goffman IG complaint 1.pdf; Training Announcement: Ethics Consideration for Crowdsourced Fundraising; 2260NOA07.pdf; 2021-08-17 Staff Meeting Agenda.docx

Jennie is out sick this morning.

Link to Agenda or look below the Teams access information

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: **Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

AGENDA

Calendar

1. August 18 – OPA/Social Media Practice Group to discuss separation between official/personal capacities, starting at 2:00pm
2. August 25 – DAEO Meeting rescheduled for this day at 10:00am
3. August 26 – OGE Panel on Social Media Rules at 2:00pm

Administrative Items and Staff Schedules

4. Staff Schedules:
 - a. Shannon - OFF –various August dates
 - b. Jennie - half days: August 19, 25
 - c. Ferne - OFF – August 25; September 23 through 25
 - d. Victoria – partial leave this afternoon, August 17; OFF – September 6 through 29 **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP) on Sept. 14 –16 and 21 – 23. Victoria needs help with coverage for: *New employee orientations on 9/13 and 9/27*. There are two orientations per day, usually 10:15 and at 3:15 supported with powerpoint slides of the high level information.
 - e. Margaret -
 - f. Justina - OFF – August 30, 31, September 1 (partial leave), OFF – September 3; November 24 & November 26
 - g. Gail - OFF – week of September 25

5. **IG Complaint** – Ethics Pledge violation (Joe Goffman), see attached
6. **OGE Training on Crowdsourced Fundraising** – see attached, view at your own pace. Recommend to include for the September monthly meeting
7. **Updates on the EPA Form 3110-48 (SGE financial disclosure form)** – ICR renewed and now valid through June 30, 2024 (see attached). Need to update the form.
8. **Administrator on travel this week** – Visiting California with stops at Apple, Gov. Schwarzenegger, Sony Studios, and more!
9. **Updates on Senior Officials / Politicals: (not updated for this meeting)**

Ex. 5 Deliberative Process (DP)

10. **Free-For-All**

11. **Tracking Delinquent Filers / Fees**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

12. Tracking 278s:

Review Data	
Pending Review	11
Review ASAP	0
Reviewed Timely	727
Reviewed Late	1
Certification Data	
Pending Certification	8
Certify ASAP	4
Certified Same day	71
Certified Timely	711
Certified Late	9
Total reports filed	739

ASAPs:

-	Ex. 5 Deliberative Process (DP)
-	
-	
-	
-	

Upcoming (35 days or more):

-	Ex. 5 Deliberative Process (DP)
---	--

P46:

-	None this week
---	----------------

Agenda for next DAEO Weekly Meeting ()

- Melissa's Recusal – COMPLETED!
- 278 FEES TABLE
- Updating DEOs with Hatch Act Guidance
-

Action Items

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North,
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-3412 | fax 202-564-1772



PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

August 17, 2021

TO: The Honorable Sean O'Donnell
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2410T)
Washington, D.C. 20460

Justina Fugh
Director and DAEO
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2311A)
Washington, D.C. 20460

**Re: Request for Investigation into Ethics Violation by Acting Associate
Administrator Joseph Goffman**

Dear Mr. O'Donnell and Ms. Fugh,

Protect the Public's Trust (PPT) is a non-profit organization dedicated to promoting integrity in government and restoring the public's trust in government officials. In pursuit of this mission, it has been brought to our attention that a current high-ranking official has acted inconsistently with his ethics obligations and may have improperly exerted his influence to arrange a high-level meeting with Agency personnel on behalf of his former employer.

Overview

In April 2021, the Acting Associate Administrator for the Office of Air and Radiation Joseph Goffman appeared to violate the Biden Administration Ethics Pledge (EO 13989) prohibiting him from participating in any particular matters involving his former employer, Harvard University, including any "meetings or other communications relating to the performance of [his] official duties."¹ The apparent violation occurred on April 20, 2021, less than two weeks after Mr. Goffman signed his official ethics agreement dated April 8, 2021. The communications obtained via a Freedom of Information Act (FOIA) request demonstrate a cavalier attitude toward his ethics obligations and a lack of understanding of the basic premise of his ethics obligations – do not communicate with your former employer.

¹ EPA-2021-003933 Joe Goffman OGC_Ethics Records_Redacted.pdf at 2-5.



PROTECT the PUBLIC'S TRUST

Mr. Goffman's actions appear to have resulted in at least one ethics violation and a benefit to his former employer in the form of an audience with the highest levels of power in the EPA. As public records already demonstrate other appointees under his command have met with their former employers multiple times, an investigation by your office will determine the extent to which Mr. Goffman, his staff, and other appointees at the Agency have failed to meet their ethical obligations.

Mr. Goffman is bound by numerous ethics restrictions as a political appointee

As a political appointee, Mr. Goffman is bound by applicable ethics laws, regulations, and the Biden Administration Ethics Pledge (the Ethics Pledge). Paragraph 2 (The Revolving Door Ban – All Appointees Entering Government) of the Ethics Pledge prohibits political appointees from participating in particular matters involving specific parties that are directly and substantially related to their former employer or former clients, including regulations and contracts. This prohibition extends for a period of two years after joining the government.²

Mr. Goffman is also bound by regulatory restrictions that include 5 CFR § 2635.502(a)(2) which requires appointees to consult with ethics officials and receive approval prior to participating personally and substantially in a matter where a reasonable person with knowledge of the relevant facts would question their impartiality. Based on the language in 502(a)(2) that expands the impartiality concern to “circumstances other than those specifically described in this section,” particular matters of general applicability may present such concerns for an agency in the face of bias being at issue. Failing to consider this appearance of bias by not consulting with agency ethics officials prior to engagement may likely be a violation of an appointee's ethics obligations.

Joe Goffman has a covered relationship with Harvard University

Mr. Goffman's former employer prior to joining the EPA was Harvard University. This fact is reflected in his Recusal Statement dated April 8, 2021. According to that agreement, the clear parameters of the Ethics Pledge are spelled out: “for the purposes of this pledge obligation, the term ‘particular matters involving specific parties’ is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.”

² In this instance, Mr. Goffman's covered relationship with Harvard University extends to all employees of the institution.



PROTECT the PUBLIC'S TRUST

Mr. Goffman communicated with his former employer in his official capacity for the purpose of providing private access to senior Agency officials

On April 15, 2021, Kathy Fallon Lambert, a former colleague and frequent guest on Mr. Goffman's podcast³ while at Harvard University, emailed him to request a meeting. Specifically, Ms. Lambert asked, "Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?"⁴

There were multiple indications that the communication was one Mr. Goffman should steer clear of: 1) Mr. Goffman's long-standing relationship with Ms. Lambert while at Harvard, 2) Ms. Lambert's clear byline indicating her Harvard title and the capacity in which she was requesting a meeting with her former colleague, and 3) the specific reference to her colleague, Dr. Elsie Sunderland's Harvard affiliation. Each of these represented clear red flags to a senior official who had received ethics training and finalized his Recusal Statement less than two weeks prior.

Unfortunately, the situation is much worse. Mr. Goffman served as a senior attorney at the EPA in the Obama Administration. Based on his legal experience and former duties, it can be assumed Mr. Goffman is very familiar with his ethics obligations and what constitutes inappropriate conduct. This makes Goffman's decision to request his subordinate to schedule a meeting with his former colleague and employer that much more egregious. When considering surrounding facts found in emails released via FOIA, Mr. Goffman's response may even be considered an intentional violation.

On April 20, five days after receiving his former colleague's email requesting a meeting, Mr. Goffman forwarded the email to a subordinate, Peter Tsirigotis, directing him to "Please provide the usual response, but I think we should do this one." As a superior official, the direction was clear – schedule the meeting and grant his former employer access to the numerous senior officials included on the email. Mr. Tsirigotis promptly replied and assented to his boss' direction.

Goffman's attempted to claim safe harbor after "ringing the bell"

Shortly after setting the Harvard meeting request in motion with his subordinates, Mr. Goffman attempted to step back from the process and claim safe harbor from the Agency's senior ethics officials. He wrote, "If I understand correctly, my recusal bars me from the very action I took below because the point of contact and another would-be participant are employees of Harvard University. If that is correct, then please advise on **how to cure this violation**. Thanks." (emphasis added). The Agency's senior ethics

³ <https://eelp.law.harvard.edu/2019/10/cleanlaw-joe-goffman-interviews-kathy-fallon-lambert-on-ace-and-public-health/>

⁴ EPA-2021-003933 Joe Goffman OGC_Ethics Records_Redacted.pdf at 90-92.



PROTECT the PUBLIC'S TRUST

official chided the official by indicating he “should have been more alert.” She even felt the need to provide a refresher to the EPA veteran on his most fundamental ethics obligation:

“Despite this restriction, upon receiving an email from an employee of Harvard University, **you did not immediately recuse**. Instead, you forwarded the email to a subordinate with a recommendation that the Agency should involve itself, and your subordinate agreed.

What should you have done instead? Upon receiving the email, you should have noted the email address of the sender and simply forwarded the email to your chief of staff and taken no other action. Now **we have to unring the bell**, which we will do without your knowledge or involvement.”

Goffman cavalierly replied, “Unring away, please! Thanks, Justina.”

Yet, nowhere in Biden’s Ethics Pledge is there a section permitting a clear and arguably intentional violation to be “unrung.”

The Harvard meeting may still have taken place

The records released to the public do not indicate whether the Harvard meeting Mr. Goffman directed his staff to schedule ultimately took place. However, contemporaneous emails do create the impression that Ms. Lambert was directed to contact Mr. Goffman’s Chief of Staff, Ann Campbell, for future scheduling requests.⁵ In all likelihood, a review of the relevant officials’ calendars will almost certainly support Ms. Fugh’s prediction that the “bell had already been rung” and that a meeting did, in fact, occur as a result of Mr. Goffman’s request.

Conclusion

It is no secret that the American public’s trust in institutions and those charged with leading them is at an all-time low. Double standards deepen cynicism and senior officials’ blatant disregard for adhering to minimum levels of ethical conduct proliferate. Consistent enforcement and holding officials accountable for indisputable violations are some of the few ways to repair the public’s mistrust and shattered confidence.

As a former senior attorney at EPA on his second stint at the agency, Joseph Goffman is a sophisticated official familiar with the important nuances of legal compliance and ethical conduct. As the EPA’s Acting Associate Administrator for the Office of Air and Radiation, Mr. Goffman is perhaps the most influential and important official in terms of implementing the Administration’s climate policy. For these reasons, it is so concerning

⁵ EPA-2021-003933 Joe Goffman OGC_Ethics Records_Redacted.pdf at 93-94.



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to see such a flagrant violation of one's most basic ethics obligations be so quickly dismissed in an attempt to "unring" what should be considered an alarming bell. Based on the heavily redacted records provided to the public, several questions remain unanswered.

The American public deserves to be assured that political appointees are carrying out their duties in an ethical, impartial manner without favoritism toward their former employers. Protect the Public's Trust therefore asks your office to begin an immediate and thorough investigation into the following issues:

1. Whether or not Mr. Goffman violated the Biden Ethics Pledge when he directed his subordinate to schedule a meeting with his former colleague and employer;
2. Whether or not Mr. Goffman violated any other ethics regulations by acting in his official capacity to urge a subordinate to accept a meeting request with his former employer;
3. Whether Mr. Goffman received additional training or admonishment beyond the immediate email from ethics officials confirming his violation;
4. Whether Mr. Goffman informed his supervisor in writing, and whether those communications led to any disciplinary action;
5. Whether or not the meeting requested by Mr. Goffman's former colleagues ultimately took place;
6. If the meeting did take place, what the topics/particular matters that were discussed, the request(s) made by outside parties, the attendees, and any communications before or after the meeting;
7. Whether Mr. Goffman's action encouraging his subordinate to schedule a meeting with his former employer constitutes preferential treatment for the former employer and misuse of his government position;
8. Whether or not Mr. Goffman has since had correspondence with his former employer, participated in any particular matters involving his former employer, or has committed another violation or attempted to violate his ethics obligations.

Protect the Public's Trust appreciates your dutiful attention to this important issue, and looks forward to the outcome of your investigation.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust
Michael@protectpublictrust.org

Message

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: 6/28/2021 6:17:57 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]; [Ex. 6 Personal Privacy (PP)]
CC: [Ex. 6 Personal Privacy (PP)]
Subject: Re: Sales Can Now Proceed.

Thanks Victoria. My understanding from both [Ex. 6 Personal Privacy (PP)] that *all* the sales have taken place.

On Mon, Jun 28, 2021 at 2:09 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi Joe,

Yes, if all the CD sales have taken place, I should be able to get you an updated recusal statement by COB tomorrow.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Monday, June 28, 2021 1:59 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; [Ex. 6 Personal Privacy (PP)]
Subject: Fwd: Sales Can Now Proceed.

Hi, Victoria and [Ex. 6 Personal Privacy (PP)] Victoria -- Does this give you enough to go on to draft an amended recusal memo?
[Ex. 6 Personal Privacy (PP)]
and able to file a 278 T? Thanks to you, both.

----- Forwarded message -----

From: [Ex. 6 Personal Privacy (PP)]
Date: Mon, Jun 28, 2021 at 1:35 PM
Subject: RE: Sales Can Now Proceed.
To: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Cc: [Ex. 6 Personal Privacy (PP)]
[Ex. 6 Personal Privacy (PP)] Clarke,
Victoria <clarke.victoria@epa.gov>, [Ex. 6 Personal Privacy (PP)]

Joe,
Sales have taken place.

Good luck

Ex. 6 Personal Privacy (PP)

From: Joseph Goffman Ex. 6 Personal Privacy (PP)

Sent: Monday, June 28, 2021 1:27 PM

To: Ex. 6 Personal Privacy (PP)

Cc: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Clarke, Victoria <clarke.victoria@epa.gov>

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Subject: Re: Sales Can Now Proceed.

Hi, Ex. 6 Personal Privacy (PP) Just checking in to see if there is anything to report by way of progress in responding to Ex. 6 Personal Privacy (PP) note of a week ago. Thanks.

On Mon, Jun 21, 2021 at 6:28 PM Ex. 6 Personal Privacy (PP) wrote:

Dear everyone,

I'm following up Joe's e-mail. He sent me the Certificates of Divestiture in a separate email this afternoon. I am writing to direct sales of the stocks that are Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) I hope you can proceed promptly with this. Like Joe, I'm truly grateful for all your hard work.

Sincerely,

Ex. 6 Personal Privacy (PP)

On Mon, Jun 21, 2021 at 6:23 PM Joseph Goffman Ex. 6 Personal Privacy (PP) wrote:

Adding

Ex. 6 Personal Privacy (PP)

On Mon, Jun 21, 2021 at 6:18 PM Joseph Goffman Ex. 6 Personal Privacy (PP) wrote:

H, All.

Please find attached the certificates of divestiture issued by the Office of Government Ethics allowing the sales of the stocks enumerated in each certificate to go forward without exposure to capital gains taxation. Accordingly, please arrange for the sales as soon as possible. To the extent that the stocks are under my ownership, I hereby authorize the sales.

I am copying Victoria Clarke, with whom you have already worked on this matter, in case there are any questions.

I really appreciate the patience and effort you all have put into this. Many, many thanks.

Best,
Joe

The information contained in this e-mail, and any attachment, is confidential and is intended solely for the use of the intended recipient. Access, copying or re-use of the e-mail or any attachment, or any information contained therein, by any other person is not authorized. If you are not the intended recipient please return the e-mail to the sender and delete it from your computer. Although we attempt to sweep e-mail and attachments for viruses, we do not guarantee that either are virus-free and accept no liability for any damage sustained as a result of viruses.

Please refer to **Ex. 6 Personal Privacy (PP)** for certain disclosures relating to European legal entities. Please note that we may use tracking pixels to monitor your interaction with reports and data delivered via this email. We take our data protection and privacy responsibilities seriously and our privacy notice explains how we collect, use and share personal information in the course of our business activities. It can be accessed at the privacy section of **Ex. 6 Personal Privacy (PP)**

Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 1/21/2021 3:44:36 AM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Yep! On it!

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 20, 2021 10:42 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: Clean Energy for Biden Virtual Inaugural Ball

Hey Jennie,

Here's your first invitation vet for the incoming politicals. Fifteen of them were sworn in today, so if they were comped for the inaugural ball, as was Joe Goffman (see below), then we've got gift issues in the absence of knowing what the pledge says. I checked, and this particular event cost \$100. The donor's company does not appear to be a federally registered lobbyist. Can you write an ethics determination for Joe on Thursday or Friday (depending on when we can get eyes on that pledge)?

Thanks,
Justina

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 20, 2021 9:15 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Thanks, Justina, for the quick response.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 20, 2021 8:19 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Hi Joe,

The event is tonight, right? And you were sworn in earlier today, right? I haven't yet read through the Biden ethics pledge, issued earlier today nor had a chance to ascertain the value of this virtual ticket. So you take the ticket and then let us figure out the value and whether you'll need to pay him back.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Wednesday, January 20, 2021 7:57 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Clean Energy for Biden Virtual Inaugural Ball

Yes. Being a pain in your guys' neck twice in one day, and a federal holiday at that. I apologize, but I think I need to address this immediately. A close social friend of very long standing offered me, and I accepted, a complimentary ticket to this event. I'm not sure what the value of the ticket is, but I am confident that his company Distributed Sun, a solar energy company, paid the cost. What are my obligations in this circumstance? Should I reimburse him or his company for the ticket? Thanks.

Message

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 4/9/2021 12:04:49 AM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]
Subject: Goffman Recusal Statement -- Signed
Attachments: Recusal - Final.docx

Justina -- Please find attached my recusal statement. Thank you – thank you, Victoria – for your invaluable support and diligence in working with me to formulate this statement.

Ann and OAR colleagues – thank you in advance for assisting me in implementing the commitments made in this statement.

At the moment, I plan to move expeditiously to divest several holdings that create potential conflicts, which likely will result in this document being modified.

Again, thank you.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/21/2021 1:29:20 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
CC: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: FW: Please disregard any involvement by Joe Goffman in this request
Attachments: Signed recusal 4-8-21.docx

Hi Ann,

Peter and I talked earlier this morning, and we have a path forward if you agree: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Okay with you?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Tuesday, April 20, 2021 11:50 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Please disregard any involvement by Joe Goffman in this request

Hi there,

As made clear in Joe Goffman's attached recusal, signed 4/8/21, he is not permitted to participate in any specific party matter in which his former employer, Harvard University, is a party or represents a party because of his ethics pledge obligations. He erred in forwarding the email he received from a Harvard.edu email address and in suggesting any official course of action. Please utterly disregard his email and any statement or suggestion he made.

Ann – you are listed as the screener in Joe's recusal, so we should discuss how to handle this situation. I feel that we need to: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I am happy to assist in any way.

Peter – **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Sent: Tuesday, April 20, 2021 6:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Re: Mercury science

I agree

On Apr 20, 2021, at 6:25 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

Please provide the usual response, but I think we should do this one. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Lambert, Kathleen Fallon <klambert@hsph.harvard.edu>
Sent: Thursday, April 15, 2021 8:11 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Mercury science

Joe,

Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?

Thank you,

Kathy Fallon Lambert
Senior Advisor, Center for Climate, Health and the Global Environment (C-CHANGE)
Harvard T.H. Chan School of Public Health
Co-founder, Science Policy Exchange
Tel. 802-436-1000
Twitter @kflambert
skype name kathleen.lambert31

For information and updates on the Transportation, Equity, Climate and Health (TRECH) Study, visit:
<https://www.hsph.harvard.edu/c-change/news/trechstudy/>

For stories of climate hope and action, subscribe to *The Climate Optimist* newsletter: <https://hsph.me/ClimateOptimist>

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/22/2021 12:22:05 AM
To: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: FW: request for a meeting with Joe Goffman

Here's what I sent to Kathy Lambert.

From: Fugh, Justina
Sent: Wednesday, April 21, 2021 8:22 PM
To: klambert@hsph.harvard.edu
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: request for a meeting with Joe Goffman

Dear Ms. Lambert,

My name is Justina Fugh, and I am the Director of EPA's Ethics Office. I am writing to explain that Joe Goffman will not be able to respond to your request nor will he be able to meet with you. As a political appointee, Mr. Goffman signed the Biden Ethics Pledge as required by Executive Order 13989. He is prohibited from participating in any particular matter involving specific parties that relates to his former employer, Harvard University. Unfortunately, this restriction means that he is unable to act upon your request and cannot meet with you or even direct you to someone else in his office. For two years, he is fully recused from engaging as part of his official EPA duties with any representative from Harvard.

Should you wish to meet with EPA's Office of Air and Radiation, then please send your request to Ann (Campbell) Ferrio, chief of staff of the Office of Air and Radiation, copied here. Ms. Ferrio will consider your request and, if appropriate, route it to the correct part of her office.

Thank you for your interest in the work of this Agency, and I hope that you understand why it is important to Mr. Goffman and EPA that he navigate his ethical obligations carefully.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lambert, Kathleen Fallon <klambert@hsph.harvard.edu>
Sent: Thursday, April 15, 2021 8:11 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Mercury science

Joe,

Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?

Thank you,

Kathy Fallon Lambert
Senior Advisor, Center for Climate, Health and the Global Environment (C-CHANGE)
Harvard T.H. Chan School of Public Health
Co-founder, Science Policy Exchange
Tel. 802-436-1000
Twitter @kflambert
skype name kathleen.lambert31

For information and updates on the Transportation, Equity, Climate and Health (TRECH) Study, visit:
<https://www.hsph.harvard.edu/c-change/news/trechstudy/>

For stories of climate hope and action, subscribe to *The Climate Optimist* newsletter: <https://hsph.me/ClimateOptimist>

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 2/24/2021 9:00:35 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]

Subject: Meeting with Ethics Counsel
Attachments: Meeting with Ethics Counsel Thursday or Friday
Location: Microsoft Teams Meeting

Start: 2/26/2021 4:00:00 PM
End: 2/26/2021 4:45:00 PM
Show Time As: Busy

Required Attendees: Clarke, Victoria; Fugh, Justina



Meeting with
Ethics Counsel T...

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

Ex. 6 Personal Privacy (PP) United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

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Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDED-RAKOSNIK, D]
on behalf of Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]
Sent: 2/24/2021 9:00:32 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Meeting with Ethics Counsel
Attachments: Meeting with Ethics Counsel Thursday or Friday
Location: Microsoft Teams Meeting
Start: 2/26/2021 4:00:00 PM
End: 2/26/2021 4:45:00 PM
Show Time As: Tentative

Required Attendees: Clarke, Victoria; Fugh, Justina



Meeting with
Ethics Counsel T...

Microsoft Teams meeting

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Or call in (audio only)

Ex. 6 Personal Privacy (PP) United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

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[Learn More](#) | [Meeting options](#)

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 1/22/2021 7:05:05 PM
To: Harris, Sincere [Harris.Sincere@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Hoffer, Melissa [Hoffer.Melissa@epa.gov]; Hamilton, Lindsay [Hamilton.Lindsay@epa.gov]; Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]; Adhar, Radha [Adhar.Radha@epa.gov]; Fox, Radhika [Fox.Radhika@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Fine, Philip [Fine.Philip@epa.gov]; Katims, Casey [Katims.Casey@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: OGC Ethics [OGC_Ethics@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: your ethics obligations ... briefing materials, references and the pledge
Attachments: Biden Ethics Pledge for digital signature.pdf; Ethics Briefing Packet for Political Appointees.pdf

Hi there,

Thank you all for attending your initial ethics briefing on Thursday, January 21, 2021. All of us in OGC/Ethics appreciate your attentiveness and interest. Attached is the briefing material we promised you that includes information about your transaction reporting obligations, the form to use for notification of negotiation for non-federal employment, a handy Hatch Act chart, and a one-pager on embedding ethics in your calendaring process. The packet also includes a pdf of the Biden Executive Order on "Ethic Commitments" for your reference. And I have attached separately the Biden Ethics Pledge for you to sign digitally and return to ethics@epa.gov.

So what about your financial disclosure report? Well, I'm not ready for you to work on that if you haven't yet started. I need to set up new accounts for you using your EPA email addresses, then will send you a new email with instructions. I know that some of you already started your reports that were assigned to your personal email address, which is fine. That information is saved and will be transferred over to your new accounts under your EPA email addresses. Try to find something to occupy your time over the next day or so (ha!), and then you can spend a leisurely and frustrating time with the public financial disclosure report a bit later, once you get the email from me. Each of you will have a contact on the OGC/Ethics team to help you navigate your form and any ethics concerns you may have. Our contact information is included on the first page of your briefing material. We are all always just a call or an email away.

Happy Friday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Clarke, Victoria [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CLARKE, VICTORIA]
Sent: 2/5/2021 4:36:04 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: RE: Ethics and Premier Support

I can certainly set it up.

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

-----Original Message-----

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, February 05, 2021 10:59 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Ethics and Premier Support

Excellent! Did you want to send a meeting request? I can do it, if need be.

-----Original Message-----

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, February 05, 2021 9:40 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: Ethics and Premier Support

If we're looking to schedule, I have a calendar block for 3 PM just for Joe. ☺

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency Office of General Counsel Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

-----Original Message-----

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, February 05, 2021 7:11 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Ethics and Premier Support

Would be great if we could get a meeting for Victoria and me on the calendar for this afternoon and also connect me with Premier Support during the free time remaining on my schedule before or after the meeting with Victoria. Many thanks.

Sent from my iPhone

Message

From: Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]
Sent: 8/17/2021 1:42:24 PM
To: Keith, Jennie [Keith.Jennie@epa.gov]
Subject: FW: PPT Goffman Complaint
Attachments: Goffman IG complaint 1.pdf

For the weekly meeting agenda, please.

From: Morgan Yardis <morgan@protectpublictrust.org>
Sent: Tuesday, August 17, 2021 9:38 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; O'Donnell, Sean <ODonnell.Sean@epa.gov>
Subject: PPT Goffman Complaint

Good morning,

Please find the attached request regarding "Request for Investigation into Ethics Violation by Acting Associate Administrator Joseph Goffman."

Thank you,
Morgan Yardis

Message

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 4/20/2021 11:32:40 PM
To: Clarke, Victoria [clarke.victoria@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: FW: Mercury science

If I understand correctly, my recusal bars me from the very action I took below because the point of contact and another would-be participant are employees of Harvard University. If that is correct, then please advise on how to cure this violation. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Sent: Tuesday, April 20, 2021 6:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Re: Mercury science

I agree

On Apr 20, 2021, at 6:25 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

Please provide the usual response, but I think we should do this one. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Lambert, Kathleen Fallon <klambert@hsph.harvard.edu>
Sent: Thursday, April 15, 2021 8:11 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Mercury science

Joe,

Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?

Thank you,

Kathy Fallon Lambert
Senior Advisor, Center for Climate, Health and the Global Environment ([C-CHANGE](#))

Harvard T.H. Chan School of Public Health
Co-founder, Science Policy Exchange
Tel. 802-436-1000
Twitter @kflambert
skype name kathleen.lambert31

For information and updates on the Transportation, Equity, Climate and Health (TRECH) Study, visit:
<https://www.hsph.harvard.edu/c-change/news/trechstudy/>

For stories of climate hope and action, subscribe to *The Climate Optimist* newsletter: <https://hsph.me/ClimateOptimist>

Message

From: Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]
Sent: 4/21/2021 1:43:18 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
CC: Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: Please disregard any involvement by Joe Goffman in this request

Hi Ann,

I will defer to your wisdom and preference for protocol. I think that Peter was just trying to help Joe, but you are the screener on the refusal, so we will do as you suggest. I'll write to the Harvard person today, cc you, and direct her to you. THANKS for flagging the issue for him and then for us! You saved his bacon!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Wednesday, April 21, 2021 9:35 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Please disregard any involvement by Joe Goffman in this request

Thanks Justina. As soon as I saw Joe's email I flagged it and he emailed you all to determine how to remedy the situation. Appreciate your quick response. Your approach sounds good. I would amend only to give, as a "general" point of contact, myself as well.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thoughts?

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, April 21, 2021 9:29 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: Please disregard any involvement by Joe Goffman in this request

Hi Ann,

Peter and I talked earlier this morning, and we have a path forward if you agree.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Okay with you?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Tuesday, April 20, 2021 11:50 PM

To: Campbell, Ann <Campbell.Ann@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>

Cc: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Please disregard any involvement by Joe Goffman in this request

Hi there,

As made clear in Joe Goffman's attached recusal, signed 4/8/21, he is not permitted to participate in any specific party matter in which his former employer, Harvard University, is a party or represents a party because of his ethics pledge obligations. He erred in forwarding the email he received from a Harvard.edu email address and in suggesting any official course of action. Please utterly disregard his email and any statement or suggestion he made.

Ann – you are listed as the screener in Joe's recusal, so we should discuss how to handle this situation. I feel that we need to:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) | I am happy to assist in any way.

Peter –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>

Sent: Tuesday, April 20, 2021 6:51 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>

Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>; Sasser, Erika

<Sasser.Erika@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>

Subject: Re: Mercury science

I agree

On Apr 20, 2021, at 6:25 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

Please provide the usual response, but I think we should do this one. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Lambert, Kathleen Fallon <klambert@hsph.harvard.edu>

Sent: Thursday, April 15, 2021 8:11 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>

Subject: Mercury science

Joe,

Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?

Thank you,

Kathy Fallon Lambert
Senior Advisor, Center for Climate, Health and the Global Environment ([C-CHANGE](#))
Harvard T.H. Chan School of Public Health
Co-founder, [Science Policy Exchange](#)
Tel. 802-436-1000
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skype name kathleen.lambert31

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<https://www.hsph.harvard.edu/c-change/news/trechstudy/>

For stories of climate hope and action, subscribe to *The Climate Optimist* newsletter: <https://hsph.me/ClimateOptimist>

Message

From: Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]
Sent: 4/22/2021 12:21:46 AM
To: klambert@hsph.harvard.edu
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: request for a meeting with Joe Goffman

Dear Ms. Lambert,

My name is Justina Fugh, and I am the Director of EPA's Ethics Office. I am writing to explain that Joe Goffman will not be able to respond to your request nor will he be able to meet with you. As a political appointee, Mr. Goffman signed the Biden Ethics Pledge as required by Executive Order 13989. He is prohibited from participating in any particular matter involving specific parties that relates to his former employer, Harvard University. Unfortunately, this restriction means that he is unable to act upon your request and cannot meet with you or even direct you to someone else in his office. For two years, he is fully recused from engaging as part of his official EPA duties with any representative from Harvard.

Should you wish to meet with EPA's Office of Air and Radiation, then please send your request to Ann (Campbell) Ferrio, chief of staff of the Office of Air and Radiation, copied here. Ms. Ferrio will consider your request and, if appropriate, route it to the correct part of her office.

Thank you for your interest in the work of this Agency, and I hope that you understand why it is important to Mr. Goffman and EPA that he navigate his ethical obligations carefully.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Lambert, Kathleen Fallon <klambert@hsph.harvard.edu>
Sent: Thursday, April 15, 2021 8:11 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Mercury science

Joe,

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Thank you,

Kathy Fallon Lambert
Senior Advisor, Center for Climate, Health and the Global Environment (C-CHANGE)
Harvard T.H. Chan School of Public Health

Co-founder, Science Policy Exchange

Tel. 802-436-1000

Twitter @kflambert

skype name kathleen.lambert31

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<https://www.hsph.harvard.edu/c-change/news/trechstudy/>

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Message

From: Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]
Sent: 9/29/2021 8:46:01 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: RE: From OGC/Ethics - First Round of Questions on your Report

I sent a note to the integrity helpdesk to remove the "draft, pending release" report. You and I can only see one report, the one marked "draft, under review."

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Tuesday, September 28, 2021 12:00 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: From OGC/Ethics - First Round of Questions on your Report

From: Joseph Goffman Ex. 6 Personal Privacy (PP)
Sent: Monday, September 27, 2021 5:54 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: From OGC/Ethics - First Round of Questions on your Report

Sorry to keep bombarding you with email already, but at the threshold I'm having trouble keeping straight which of the two files I should be working with. Please see the screenshot I've attached, which describes one version as "Draft, Pending Release" and the other as "Draft, Under Review". I thought I had made my way in one of them to the signature page, which was dated 2/20/2021, but in the process of double-checking which of the two labels corresponded to that version, I failed to make my way back to that signature page. Rather than rely on guesswork, I thought I would get some confirmation from you.

I'm beginning to think that we should make an appointment for a time tomorrow when you could walk me through some of the questions and/or OGE 278 entries in real time. I have time at 11:30 and at 3.

Thanks.

On Mon, Sep 27, 2021 at 5:23 PM Joseph Goffman Ex. 6 Personal Privacy (PP) wrote:

Hi, Shannon. Rather than my flailing, which I am on the verge of doing on a couple of questions, maybe a call would be helpful. Are you still around? What is the best way to reach you? Thanks.

On Mon, Sep 27, 2021 at 5:08 PM Joseph Goffman Ex. 6 Personal Privacy (PP) wrote:

Hi, Shannon. Thank you so much for taking care of this so quickly. I will fill in the chart now to the extent I can and get back to you one way or the other. Spoiler alert: I am mildly terrified of the OGE 278 form, so I may ask you to implement any changes that need to be made. Plus, putting aside my terror, I think it's always better not to be your own lawyer so relying on you to process the information might be prudent. Thanks, again.

On Mon, Sep 27, 2021 at 5:02 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe,

As you are aware, OGE has sent the first round of questions on your Nominee Report. I took those questions and created a chart where you can insert your responses. Most of the questions ask for confirmation of something you've represented on your report, so you can just say "Confirmed" in the answer column when appropriate. Note that I've already made some of the non-substantive/technical reporting changes when OGE requested, and indicated such on the attached. But you will also see that I had some of my own questions or comments which I added in red. You can also go into your report in INTEGRITY to make any additional changes, or respond to the questions and then I can make the changes. Just let me know your preference as you are responding in the chart.

I believe you are familiar with the general process, but if you want to talk through it again, or discuss these questions, please don't hesitate to give me a ring.

Looking forward to working with you!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

Appointment

From: Rakosnik, Delaney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=274573739a9f446883072599086ededd-Rakosnik, D]
on behalf of Goffman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23474d598e8d4edfa9214a5991f2935b-Goffman, Jo]
Sent: 2/24/2021 9:00:32 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Meeting with Ethics Counsel
Attachments: Meeting with Ethics Counsel Thursday or Friday
Location: Microsoft Teams Meeting
Start: 2/26/2021 4:00:00 PM
End: 2/26/2021 4:45:00 PM
Show Time As: Tentative

Required Attendees: Clarke, Victoria; Fugh, Justina



Meeting with
Ethics Counsel T...

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

Ex. 6 Personal Privacy (PP) United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

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Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 9/28/2021 4:00:23 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: FW: From OGC/Ethics - First Round of Questions on your Report
Attachments: Screenshot (103).png

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Monday, September 27, 2021 5:54 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: From OGC/Ethics - First Round of Questions on your Report

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I believe you are familiar with the general process, but if you want to talk through it again, or discuss these questions, please don't hesitate to give me a ring.

Looking forward to working with you!

Thanks,

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

☰

MY TASKS

My Tasks

SETTINGS

HELP

LOG OUT

My Tasks

MY CURRENT REPORTS

YEAR	ITEM	TYPE	AGENCY	GROUP	POSITION	DUE DATE	STATUS	DATE FILED	ACTION
2021	Nominee Report	278	Environmental Protection Agency	- Nominees (EPA)	Assistant Administrator, Office of Air and Radiation		Draft, Pending Release		<div>Update</div>
2021	Nominee Report	278	Environmental Protection Agency	- Nominees (EPA)	Assistant Administrator, Office of Air and Radiation		Draft, Under Review		<div>Update</div>

MY TOOLS

Start an OGE Form 278-T

Update My Contact Information

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 11/10/2021 8:13:06 PM
To: Joseph Goffman; **Ex. 6 Personal Privacy (PP)**
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Latest update

Yes, you may be eligible for another certificate of divestiture should you be required to divest additional holdings. It wasn't a one-time thing that precludes you from obtaining another.

I'm also about to forward you an email from OGE that requires your action/confirmation.

Thanks!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman **Ex. 6 Personal Privacy (PP)**
Sent: Wednesday, November 10, 2021 1:49 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Latest update

Hi, Shannon and Justina. I'm so grateful for your continued work on this and for keeping me in the loop in real time as things develop. One question: if I am advised or required to divest additional holdings, would I or my wife be eligible for certificates of divestiture - or was our only bite at that apple back in the spring/summer when we did the earlier round of divestitures?

Thanks, again.

On Wed, Nov 10, 2021 at 1:17 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe,

Justina and I just got off the phone with the OGE reviewer. We again went through the conflicts analysis, the CAA/your duties, your assets, and your recusal/screening arrangement. I think **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) They are still discussing things internally and will hopefully get back to us soon.

We will keep you posted!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency

(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Friday, November 5, 2021 4:38 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Any news?

Appreciate the update. Have a good weekend yourself. Sorry if I'm repeating myself, but I will be traveling to the COP on Sunday and will be in Scotland all next week. I will be reachable by email and phone, of course, so please do keep me posted if anything develops or you need anything from me. Thanks, again, for everything.

On Fri, Nov 5, 2021 at 4:07 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

The latest this afternoon from OGE – the reviewer is still looking at our conflict analysis and [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)] She said she will get back to me as soon as they are ready to move forward. So we are still waiting....

Have a nice weekend!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Thursday, November 4, 2021 12:01 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Any news?

Thanks for being so responsive and for keeping me posted, Shannon.

On Thu, Nov 4, 2021 at 8:14 AM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

I wish I knew how long, but it really depends. The ones who sign off on everything will have to look at your 278 and conflicts analysis. [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)] I'll see if Justina has any other insights!

Once OGE and I agree on the Ethics Agreement language, I'll send it your way to review. Thanks!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman Ex. 6 Personal Privacy (PP)
Sent: Wednesday, November 3, 2021 9:32 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Any news?

I shall take a cue from your hopefulness. In any event is there anything you can tell me about how more levels of review lie ahead and how long the (usually?) take? Meanwhile, thanks so much for keeping me posted so promptly.

On Wed, Nov 3, 2021 at 9:29 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Quick update – I spoke with OGE yesterday and went through the conflicts analysis. Following our discussion, the OGE reviewer said she'd contact me by today if she had any additional questions. And as of tonight, I haven't heard anything. I'm going to send some comments back to her on your draft Ethics Agreement. But I'm hopeful this means we've passed the first level of review and everything is moving along to the next level. As soon as I hear anything, I'll let you know!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman Ex. 6 Personal Privacy (PP)
Sent: Tuesday, November 2, 2021 11:40 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Any news?

Wow. Great timing. Hope the discussion with OGE goes well.. Thank you, as always, for all the help on this.

On Tue, Nov 2, 2021 at 11:31 AM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe,

We submitted our conflicts analysis to OGE over a week ago, and I just received an email this morning that they have reviewed it and are ready to discuss. I'll be contacting them once my next call is done. I'll keep you posted!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman Ex. 6 Personal Privacy (PP)

Sent: Tuesday, November 2, 2021 11:18 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Any news?

Hi, Shannon (and Justina). Hope you are both doing well. I am curious about what, if anything, has been going on since we submitted our responses to OGE on October 18. Thanks.

Best,

Joe

Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 5/4/2021 7:56:07 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: FW: Clean Energy for Biden Virtual Inaugural Ball

Shannon, Other than the training I gave around April 14, this is the only interaction I've had with Joe Goffman. Thanks!
Jennie

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, January 25, 2021 9:35 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Hi, Jennie. It's great to be back and under your, Justina, and Victoria's careful guidance. Thanks for taking the time to get me this answer.

From: Keith, Jennie <Keith.Jennie@epa.gov>
Sent: Monday, January 25, 2021 9:33 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: FW: Clean Energy for Biden Virtual Inaugural Ball

Evening Joe!

Welcome back! Justina asked me to do some double-checking on the gifts angle for this ticket you accepted once we understood the Biden Ethics Pledge.

The ticket is acceptable under the ethics rules. While there is still a lobbyist gift ban, neither the company your friend works for (Distributed Sun) or the host of the event (Clean Energy for Biden), a federally registered lobbyist. We will apply the personal relationship gift exception to allow you to accept this ticket.

Thanks! And have a great night. So nice to be in touch again.
Jennie for OGC/Ethics

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 20, 2021 9:15 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Thanks, Justina, for the quick response.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 20, 2021 8:19 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Hi Joe,

The event is tonight, right? And you were sworn in earlier today, right? I haven't yet read through the Biden ethics pledge, issued earlier today nor had a chance to ascertain the value of this virtual ticket. So you take the ticket and then let us figure out the value and whether you'll need to pay him back.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>

Sent: Wednesday, January 20, 2021 7:57 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Clean Energy for Biden Virtual Inaugural Ball

Yes. Being a pain in your guys' neck twice in one day, and a federal holiday at that. I apologize, but I think I need to address this immediately. A close social friend of very long standing offered me, and I accepted, a complimentary ticket to this event. I'm not sure what the value of the ticket is, but I am confident that his company Distributed Sun, a solar energy company, paid the cost. What are my obligations in this circumstance? Should I reimburse him or his company for the ticket? Thanks.

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 9/27/2021 9:02:15 PM
To: Ex. 6 Personal Privacy (PP)
Subject: From OGC/Ethics - First Round of Questions on your Report
Attachments: First Round OGE Questions - Goffman Responses.docx

Hi Joe,

As you are aware, OGE has sent the first round of questions on your Nominee Report. I took those questions and created a chart where you can insert your responses. Most of the questions ask for confirmation of something you've represented on your report, so you can just say "Confirmed" in the answer column when appropriate. Note that I've already made some of the non-substantive/technical reporting changes when OGE requested, and indicated such on the attached. But you will also see that I had some of my own questions or comments which I added in red. You can also go into your report in INTEGRITY to make any additional changes, or respond to the questions and then I can make the changes. Just let me know your preference as you are responding in the chart.

I believe you are familiar with the general process, but if you want to talk through it again, or discuss these questions, please don't hesitate to give me a ring.

Looking forward to working with you!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 9/27/2021 10:06:57 PM
To: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Subject: RE: From OGC/Ethics - First Round of Questions on your Report

Don't apologize! I know this is all time sensitive, so if you don't mind kids in the background, give my work phone # a call (202-564-7061) and it'll be forwarded to my cell. I see I have a missed call so that might have been you.

I'm confused by the screenshot as well. I didn't see those two reports earlier. Let me sign into Integrity and take a closer look.

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Monday, September 27, 2021 5:54 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: From OGC/Ethics - First Round of Questions on your Report

Sorry to keep bombarding you with email already, but at the threshold I'm having trouble keeping straight which of the two files I should be working with. Please see the screenshot I've attached, which describes one version as "Draft, Pending Release" and the other as "Draft, Under Review". I thought I had made my way in one of them to the signature page, which was dated 2/20/2021, but in the process of double-checking which of the two labels corresponded to that version, I failed to make my way back to that signature page. Rather than rely on guesswork, I thought I would get some confirmation from you.

I'm beginning to think that we should make an appointment for a time tomorrow when you could walk me through some of the questions and/or OGE 278 entries in real time. I have time at 11:30 and at 3.

Thanks.

On Mon, Sep 27, 2021 at 5:23 PM Joseph Goffman [Ex. 6 Personal Privacy (PP)] wrote:

Hi, Shannon. Rather than my flailing, which I am on the verge of doing on a couple of questions, maybe a call would be helpful. Are you still around? What is the best way to reach you? Thanks.

On Mon, Sep 27, 2021 at 5:08 PM Joseph Goffman [Ex. 6 Personal Privacy (PP)] wrote:

Hi, Shannon. Thank you so much for taking care of this so quickly. I will fill in the chart now to the extent I can and get back to you one way or the other. Spoiler alert: I am mildly terrified of the OGE 278 form, so I may ask you to implement any changes that need to be made. Plus, putting aside my terror, I think it's always better not to be your own lawyer so relying on you to process the information might be prudent. Thanks, again.

On Mon, Sep 27, 2021 at 5:02 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe,

As you are aware, OGE has sent the first round of questions on your Nominee Report. I took those questions and created a chart where you can insert your responses. Most of the questions ask for confirmation of something you've represented on your report, so you can just say "Confirmed" in the answer column when appropriate. Note that I've already made some of the non-substantive/technical reporting changes when OGE requested, and indicated such on the attached. But you will also see that I had some of my own questions or comments which I added in red. You can also go into your report in INTEGRITY to make any additional changes, or respond to the questions and then I can make the changes. Just let me know your preference as you are responding in the chart.

I believe you are familiar with the general process, but if you want to talk through it again, or discuss these questions, please don't hesitate to give me a ring.

Looking forward to working with you!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 9/28/2021 4:49:15 PM
To: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Subject: RE: Part 2

Absolutely fine! Send them my way and I'll get it into your report. Then I'll keep track on my chart the changes that are made so I can pass that information along to OGE when we're ready.

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Tuesday, September 28, 2021 12:29 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Part 2

Thanks so much, Shannon. Really appreciate that. At this point, I'm thinking that we may have a version control problem if I go back into the document to add some of the answers still pending -- e.g., honoraria, checking account balance. So, if it is OK with you, I'm going to send you those answers in an email in the hope that you will insert them. Thanks, again.

On Tue, Sep 28, 2021 at 12:22 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe,

Yes, I saw your other email. And I'm going to go ahead and respond to that one with some more thoughts on the reporting period because [Ex. 6 Personal Privacy (PP)] may find that helpful as well. Also, I am more than happy to work directly with others to get the report in good shape. Right now we are focusing on making sure everything is technically correct and accurate on the report. The level of scrutiny for such a report is going to be intense, and we will get through it! Then after it's technically sound, we'll turn to the conflicts analysis with OGE.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Tuesday, September 28, 2021 8:55 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Part 2

Good morning, Shannon.

I trust you saw the email I sent to [Ex. 6 Personal Privacy (PP)] and [Ex. 6 Personal Privacy (PP)] yesterday evening. I'm still fretting over how to reconcile the question about "January 1, 2020" and what is required to submit in Part 2. [Ex. 6 Personal Privacy (PP)] [Ex. 6 Personal Privacy (PP)] Was that what he was supposed to do in Part 2 or does Part 2 focus on something else? You'll see in the attachment I sent last night that I took a stab at trying to make sense of the OGE question per our conversation last evening, but I'm not sure I've got it right.

When I was at EPA last time, Jennie Keith ended up working directly with [Ex. 6 Personal Privacy (PP)] to walk him through how to fill in the 278. I'm wondering if as we move through the next few days/ weeks whether you would be willing to work directly with [Ex. 6 Personal Privacy (PP)] on some of the thornier issues as to what the 278 and OGE's questionnaire really require.

Thanks.

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 10/5/2021 6:55:05 PM
To: Joseph Goffman; **Ex. 6 Personal Privacy (PP)**
Subject: RE: quick note about INTEGRITY

Yep. That's the right one!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman; **Ex. 6 Personal Privacy (PP)**
Sent: Tuesday, October 5, 2021 2:43 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: quick note about INTEGRITY

Just took a look. It now appears as "Draft, Under Review" -- but it is the draft electronically signed on September 23, so I guess it's the "right" version. Thanks for taking care of straightening this out.

On Tue, Oct 5, 2021 at 2:11 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Well it took a while but the White House finally figured out how to remove your old Nominee Report in INTEGRITY. So when you log on, there should only be one report ("Draft, Under Review" signed 9/23). Neither Justina nor I could see the old one ("Draft, Pending Release"). But if it's still there, please let me know. Thanks!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 11/8/2021 12:08:28 PM
To: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Subject: RE: Any news?

Will do. Safe travels!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Friday, November 5, 2021 4:38 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Any news?

Appreciate the update. Have a good weekend yourself. Sorry if I'm repeating myself, but I will be traveling to the COP on Sunday and will be in Scotland all next week. I will be reachable by email and phone, of course, so please do keep me posted if anything develops or you need anything from me. Thanks, again, for everything.

On Fri, Nov 5, 2021 at 4:07 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

The latest this afternoon from OGE – the reviewer is still looking at our conflict analysis and [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)] She said she will get back to me as soon as they are ready to move forward. So we are still waiting....

Have a nice weekend!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: Thursday, November 4, 2021 12:01 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Any news?

Thanks for being so responsive and for keeping me posted, Shannon.

On Thu, Nov 4, 2021 at 8:14 AM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

I wish I knew how long, but it really depends. The ones who sign off on everything will have to look at your 278 and conflicts analysis. [Ex. 5 Deliberative Process (DP)]

Ex. 5 Deliberative Process (DP)

I'll see

if Justina has any other insights!

Once OGE and I agree on the Ethics Agreement language, I'll send it your way to review. Thanks!

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

From: Joseph Goffman <Ex. 6 Personal Privacy (PP)>

Sent: Wednesday, November 3, 2021 9:32 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: Re: Any news?

I shall take a cue from your hopefulness. In any event is there anything you can tell me about how more levels of review lie ahead and how long the (usually?) take? Meanwhile, thanks so much for keeping me posted so promptly.

On Wed, Nov 3, 2021 at 9:29 PM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Quick update – I spoke with OGE yesterday and went through the conflicts analysis. Following our discussion, the OGE reviewer said she'd contact me by today if she had any additional questions. And as of tonight, I haven't heard anything. I'm going to send some comments back to her on your draft Ethics Agreement. But I'm hopeful this means we've passed the first level of review and everything is moving along to the next level. As soon as I hear anything, I'll let you know!

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

From: Joseph Goffman <Ex. 6 Personal Privacy (PP)>

Sent: Tuesday, November 2, 2021 11:40 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Any news?

Wow. Great timing. Hope the discussion with OGE goes well.. Thank you, as always, for all the help on this.

On Tue, Nov 2, 2021 at 11:31 AM Griffo, Shannon <Griffo.Shannon@epa.gov> wrote:

Hi Joe,

We submitted our conflicts analysis to OGE over a week ago, and I just received an email this morning that they have reviewed it and are ready to discuss. I'll be contacting them once my next call is done. I'll keep you posted!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman Ex. 6 Personal Privacy (PP)
Sent: Tuesday, November 2, 2021 11:18 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Any news?

Hi, Shannon (and Justina). Hope you are both doing well. I am curious about what, if anything, has been going on since we submitted our responses to OGE on October 18. Thanks.

Best,
Joe

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 11/15/2021 2:46:21 PM
To: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Subject: RE: Quick Call on Monday?

Hi Joe,

I'm available today with the exception of early afternoon (1-2ish). If you let me know a good time, I'll make sure I'm around. Or just give me a ring at your convenience (202-564-7061).

I owe you some responses, but I was hoping to have connected with Justina by now [Ex. 6 Personal Privacy (PP)] question. I'll fill you in more when we chat but I'll respond to your other questions in the meantime. And hopefully I'll hear back from her soon.

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman <joegoffman@gmail.com>
Sent: Sunday, November 14, 2021 8:29 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Quick Call on Monday?

I have a question about reporting our credit card liabilities. Thanks.

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 11/15/2021 8:35:59 PM
To: Joseph Goffman; [REDACTED] **Ex. 6 Personal Privacy (PP)**
Subject: RE: Quick connection

Hi [REDACTED] **Ex. 6 Personal Privacy (PP)**

I should have some time to chat between now and 5. Feel free to give me a ring if you are available (202-564-7061). Tomorrow the best time to reach me will be between 9:30-10:30, and 12-3:30. Or please send me an email with your question and I'll try to respond asap.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman [REDACTED] **Ex. 6 Personal Privacy (PP)**
Sent: Monday, November 15, 2021 2:03 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; [REDACTED] **Ex. 6 Personal Privacy (PP)**
Subject: Quick connection

Hi, Shannon. I am hoping that you and [REDACTED] **Ex. 6 Personal Privacy (PP)** can connect quickly about a question that [REDACTED] who manages most of our holdings, has. I have asked [REDACTED] to second my own personal review of the 278 and OGE's confirmatory request and she has spotted something that needs attention.

Many thanks to you both.

Best,
Joe

Message

From: Griffio, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 11/15/2021 9:44:43 PM
To: Joseph Goffman; Ex. 6 Personal Privacy (PP)
Subject: RE: Any chance we can talk around 5:30?

Yes, I can make that work. I just got off the phone with . Give me a ring when you're available.

Shannon Griffio
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Joseph Goffman <Ex. 6 Personal Privacy (PP)>
Sent: Monday, November 15, 2021 4:22 PM
To: Griffio, Shannon <Griffio.Shannon@epa.gov>
Subject: Any chance we can talk around 5:30?

Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 8/17/2021 2:29:18 PM
To: OGC Ethics [OGC_Ethics@epa.gov]
Subject: 10:30AM - AGENDA for Staff Meeting
Attachments: Goffman IG complaint 1.pdf; Training Announcement: Ethics Consideration for Crowdsourced Fundraising; 2260NOA07.pdf; 2021-08-17 Staff Meeting Agenda.docx

Jennie is out sick this morning.

Link to Agenda or look below the Teams access information

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

AGENDA

Calendar

1. August 18 – OPA/Social Media Practice Group to discuss separation between official/personal capacities, starting at 2:00pm
2. August 25 – DAEO Meeting rescheduled for this day at 10:00am
3. August 26 – OGE Panel on Social Media Rules at 2:00pm

Administrative Items and Staff Schedules

4. Staff Schedules:
 - a. Shannon - OFF –various August dates
 - b. Jennie - half days: August 19, 25
 - c. Ferne - OFF – August 25; September 23 through 25
 - d. Victoria – partial leave this afternoon, August 17; OFF – September 6 through 29 Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP) on Sept. 14 –16 and 21 – 23. Victoria needs help with coverage for: *New employee orientations on 9/13 and 9/27*. There are two orientations per day, usually 10:15 and at 3:15 supported with powerpoint slides of the high level information.
 - e. Margaret -
 - f. Justina - OFF – August 30, 31, September 1 (partial leave), OFF – September 3; November 24 & November 26
 - g. Gail - OFF – week of September 25

5. **IG Complaint** – Ethics Pledge violation (Joe Goffman), see attached
6. **OGE Training on Crowdsourced Fundraising** – see attached, view at your own pace. Recommend to include for the September monthly meeting
7. **Updates on the EPA Form 3110-48 (SGE financial disclosure form)** – ICR renewed and now valid through June 30, 2024 (see attached). Need to update the form.
8. **Administrator on travel this week** – Visiting California with stops at Apple, Gov. Schwarzenegger, Sony Studios, and more!
9. **Updates on Senior Officials / Politicals: (not updated for this meeting)**

Ex. 5 Deliberative Process (DP)

10. **Free-For-All**

11. **Tracking Delinquent Filers / Fees**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

12. Tracking 278s:

Review Data	
Pending Review	11
Review ASAP	0
Reviewed Timely	727
Reviewed Late	1
Certification Data	
Pending Certification	8
Certify ASAP	4
Certified Same day	71
Certified Timely	711
Certified Late	9
Total reports filed	739

ASAPs:

-	Ex. 5 Deliberative Process (DP)
-	
-	
-	
-	

Upcoming (35 days or more):

-	Ex. 5 Deliberative Process (DP)
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P46:

- None this week

Agenda for next DAEO Weekly Meeting ()

- Melissa's Recusal – COMPLETED!
- 278 FEES TABLE
- Updating DEOs with Hatch Act Guidance
-

Action Items

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North,
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-3412 | fax 202-564-1772

Message

From: Joseph Goffman; [Ex. 6 Personal Privacy (PP)]
Sent: 6/21/2021 10:18:58 PM
To: [Ex. 6 Personal Privacy (PP)]
[Ex. 6 Personal Privacy (PP)]
CC: Clarke, Victoria [clarke.victoria@epa.gov]; [Ex. 6 Personal Privacy (PP)]
Subject: Sales Can Now Proceed.
Attachments: Goffman_Final CD 3.pdf; Goffman_Final CD 1.pdf; Goffman_Final CD 2.pdf; Goffman_Final CD 5.pdf; Goffman_Final CD 4.pdf

H, All.

Please find attached the certificates of divestiture issued by the Office of Government Ethics allowing the sales of the stocks enumerated in each certificate to go forward without exposure to capital gains taxation. Accordingly, please arrange for the sales as soon as possible. To the extent that the stocks are under my ownership, I hereby authorize the sales.

I am copying Victoria Clarke, with whom you have already worked on this matter, in case there are any questions.

I really appreciate the patience and effort you all have put into this. Many, many thanks.

Best,
Joe

Message

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: 9/28/2021 10:47:09 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: Checking Accounts, Honoraria, Earthshot [Ex. 6 Personal Privacy (PP)]

Hi, Shannon.

We have [Ex. 6 Personal Privacy (PP)]

Ex. 6 Personal Privacy (PP)

In October, 2020, [Ex. 6 Personal Privacy (PP)] for an article published in the Case Western Law Review; [Ex. 6 Personal Privacy (PP)]

I served on the board of Earthshot from 2019 until January, 2021. I believe I've included some information about the organization and a link in the questionnaire.

Ex. 6 Personal Privacy (PP)

Thanks.

Message

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: 10/4/2021 10:31:38 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: [Ex. 6 Personal Privacy (PP)] Follow-up

I just left him a voicemail and sent him an email pleading with him to respond to your 4 PM email. Please let me know when you're back in action and I will send you that recap I mentioned earlier today.

Thanks.

Message

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: 9/28/2021 12:02:24 AM
To: [Ex. 6 Personal Privacy (PP)] Griffo, Shannon [Griffo.Shannon@epa.gov]; [Ex. 6 Personal Privacy (PP)]
Subject: OGE 278 -- Office of Government Ethics Followup Questionnaire
Attachments: First Round OGE Questions - Goffman Responses jg.docx

Hi, [Ex. 6 Personal Privacy (PP)]

For [Ex. 6 Personal Privacy (PP)] there is no rest for the weary. The Office of Government Ethics has followed up the OGE 278 filing with 6 pages of questions. I have attached the document they sent. You will see that most of the answers have been filled in. There are, however, a handful that have been highlighted in yellow, which I think [Ex. 6 Personal Privacy (PP)] assisted by [Ex. 6 Personal Privacy (PP)] should be able to provide the information.

[Ex. 6 Personal Privacy (PP)] -- you'll see that one of the questions asks about [Ex. 6 Personal Privacy (PP)] I've attempted to provide the information about them, but I believe that it would be extremely helpful if you would take a look to see if I've got it right.

[Ex. 6 Personal Privacy (PP)] - Shannon Griffo is the ethics attorney in the EPA Office of General Counsel who is handling this review and interacting with counterparts in the Office of Government Ethics and should be kept fully in the loop. Please "reply all" with any information or questions you may have since that may be the most efficient way to get some of these issues resolved. For example, you will see a reference to the reporting period for some of the information covering the period between January 1, 2020 and the present. If you have questions about what that means beyond the note I inserted next to that question, Shannon should be able to answer directly.

Shannon has also volunteered to hold the pen on any changes that need to be made to the 278, so that neither you [Ex. 6 Personal Privacy (PP)] nor I have to. She has her own access to the file.

[Ex. 6 Personal Privacy (PP)]

Finally, the Office of Government Ethics is a harsh taskmaster: we need to get the questionnaire back to them by COB Thursday if at all humanly possible (and notwithstanding that that is the end of the fiscal year. Yikes.)

Thank you all for your invaluable help on all this.

Best,
Joe

Message

From: Joseph Goffman [Ex. 6 Personal Privacy (PP)]
Sent: 11/15/2021 12:45:28 AM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: Compensation for Law Review Article?

I know you had a back-and-forth with OGE about how to characterize this, but I don't see it in the draft 278. Shouldn't it be there somewhere? Thanks.

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 9/28/2021 6:25:35 PM
To: 'Joseph Goffman' Ex. 6 Personal Privacy (PP) Griffo, Shannon
[Griffo.Shannon@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: RE: OGE 278 -- Office of Government Ethics Followup Questionnaire secure
Attachments:

Ex. 6 Personal Privacy (PP)

Dear All,

Ex. 6 Personal Privacy (PP) please let me know if you need any additional information from us.

Filling in some blanks:

Ex. 6 Personal Privacy (PP)

Will let Ex. 6 Personal Privacy (PP) handle the specific holdings questions.
Let me know if you have any questions.

Best,

Ex. 6 Personal Privacy (PP)

From: Joseph Goffman Ex. 6 Personal Privacy (PP)

Sent: Monday, September 27, 2021 8:02 PM

To: **Ex. 6 Personal Privacy (PP)**

griffo.shannon@epa.gov; **Ex. 6 Personal Privacy (PP)**

Subject: OGE 278 -- Office of Government Ethics Followup Questionnaire

Hi, **Ex. 6 Personal Privacy (PP)**

For **Ex. 6 Personal Privacy (PP)** there is no rest for the weary. The Office of Government Ethics has followed up the OGE 278 filing with 6 pages of questions. I have attached the document they sent. You will see that most of the answers have been filled in. There are, however, a handful that have been highlighted in yellow, which I think **Ex. 6 Personal Privacy (PP)** or **Ex. 6 Personal Privacy (PP)** assisted by **Ex. 6 Personal Privacy (PP)**, should be able to provide the information.

Ex. 6 Personal Privacy (PP) -- you'll see that one of the questions asks about **Ex. 6 Personal Privacy (PP)**. I've attempted to provide the information about them, but I believe that it would be extremely helpful if you would take a look to see if I've got it right.

Ex. 6 Personal Privacy (PP) -- Shannon Griffo is the ethics attorney in the EPA Office of General Counsel who is handling this review and interacting with counterparts in the Office of Government Ethics and should be kept fully in the loop. Please "reply all" with any information or questions you may have since that may be the most efficient way to get some of these issues resolved. For example, you will see a reference to the reporting period for some of the information covering the period between January 1, 2020 and the present. If you have questions about what that means beyond the note I inserted next to that question, Shannon should be able to answer directly.

Shannon has also volunteered to hold the pen on any changes that need to be made to the 278, so that neither you **Ex. 6 Personal Privacy (PP)** nor I have to. She has her own access to the file.

Ex. 6 Personal Privacy (PP)

Finally, the Office of Government Ethics is a harsh taskmaster: we need to get the questionnaire back to them by COB Thursday if at all humanly possible (and notwithstanding that that is the end of the fiscal year. Yikes.)

Thank you all for your invaluable help on all this.

Best,
Joe

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 11/15/2021 3:11:29 PM
To: Joseph Goffman **Ex. 6 Personal Privacy (PP)**
Subject: Responses to your Recent Questions

Hi Joe,

Please see my responses below (in red) to your recent questions. I still **Ex. 5 Deliberative Process (DP)** wanted to get Justina's advice on how to respond **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) You can draft a response and we'll get Justina's feedback on it before anything is sent. Looks like she's out today but I'm on her calendar for tomorrow morning to discuss all this.

1. You asked about compensation for the law review article – "I know you had a back-and-forth with OGE about how to characterize this, but I don't see it in the draft 278. Shouldn't it be there somewhere?"
It's in there. See Part 2, Item #3:

Ex. 6 Personal Privacy (PP); Ex. 3 (EIGA)

2. You asked whether the credit card reporting obligation applies only to you or does it apply to both you and your spouse.
You must report your own liabilities and those of your spouse and dependent children. So if either you or your spouse had a credit card balance over \$10,000 as of 9/23/21, then it'll need to be added.

3. You asked if children count as a dependent if they're all over 18/21.
According to OGE, a "dependent child" means an individual who is:
- a son, daughter, stepson or stepdaughter of the filer; and
- unmarried, under the age of 21, and living in the filer's house OR considered dependent by tax code standards

Shannon Griffo
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(202) 564-7061